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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

“To You, O Lord, we lift our minds and hearts in prayer. In You, our God, we place all our trust; for anyone who

hopes in You will never be disappointed.”

Those who do not have hope have no future. Lord, sustain those who feel helpless. Cast Your light of promise upon those who live in fear.

May the imagination of peace take root in our soul. This Congress and this Nation look to You, O Lord, to nurture fruitful seeds buried in the winter of our vision.

May the warmth of Your presence draw near, that in our coldness we may

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman*.

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

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TRENT LOTT, *Chairman*.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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be touched by Your word and rise to new life.

Our land and its children believe in the approaching spiritual solstice; and readies itself for the surprises of goodness and generosity which You alone can bring; both in this life and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Leader, announces the appointment of William Pickle of Virginia to serve as a member of the Medal of Valor Review Board.

OCCUPIED TERRITORY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, several nations are involved. These nations, with their thousands of peoples, have occupied someone else's sovereign country. They moved in silently over a long period of time. Some of the infiltrators were organized, some were not. They crossed national boundaries without regard for the rule of law. The migrant peoples began to colonize the new land because it was flowing with milk and honey. And the inhabitants did not resist the infiltration. The inhabitants of the occupied land paid little attention to the invasion. The inhabitants and their leaders were too busy. After all, they were protecting the borders of other nations. The colonists from the foreign nations began to take from the new land. They demanded and received benefits from the inhabitants. The locals suddenly became alarmed and asked, how can this be happening?

These foreign nations were uninvited. They cared little about the sovereignty of the occupied nation. They came and brought another culture, another language. They moved in and lived on the land because they could.

Mr. Speaker, this ought not to be. But it is. It is the occupied territory of the United States of America. And that's just the way it is.

DEMOCRATS SIX FOR 2006 WILL BE IMPLEMENTED EARLY NEXT YEAR

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, last month the American people demanded change from Washington, and in January they are going to get it.

Over the last couple of years, the American people have grown increasingly disillusioned with a government that was not working for them. It is time that Washington stop listening exclusively to the elite special interests and start listening to the people who send us here.

That is why Democrats want to repeal billions of dollars in tax breaks for big oil companies to instead invest in new energy technologies. Rather than handouts to Big Oil, we should be working to make America energy independent. The inclusive Democratic agenda starts us down that path.

Our agenda also looks out for American seniors over the interests of drug companies. There is simply no reason why our government shouldn't negotiate for lower prices. The government already negotiates on behalf of our veterans, and they are now enjoying a 42 percent savings on their drugs. Democrats and Republicans have heard the loud voices of Americans. Their voices should be echoed in this people's House by every Member of this new Congress.

CONFIRMATION OF DR. ROBERT GATES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, with the recent resignation of Secretary of Defense Donald Rumsfeld, I urge my Senate colleagues to work swiftly in a bipartisan manner to confirm President Bush's nominee, Dr. Robert Gates, as soon as possible. I was pleased to learn that the Senate Armed Services Committee unanimously agreed to forward Mr. Gates' confirmation to the Senate floor for final approval.

We are currently fighting a global war on terror and it is essential to have a Secretary of Defense at the helm in the Pentagon to oversee and effectively utilize the vast resources of the Department of Defense. A Nation at war needs Dr. Gates' leadership at this time.

He is a superb choice and is highly qualified. He recently left his position

as president of Texas A&M University, the seventh largest university in the Nation, after serving 27 years in the intelligence community. He has a distinguished record of public service, having served six Presidents of both parties, and most recently as the director of the Central Intelligence Agency from 1991 to 1993. He is the only career officer in the CIA's history to rise from an entry-level employee to the director. He is highly regarded and extremely qualified.

I urge my Senate colleagues to act swiftly to confirm Dr. Gates.

A NEW CONGRESS AND A NEW DIRECTION IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the American public did not vote for the Iraq Study Group. They voted for a new Congress and a new direction in Iraq: Out.

Now, many who voted for change will be surprised to learn that there are some who say they oppose the war and will continue to fund it in the name of supporting the troops. We will not abandon our troops in the field, some solemnly pronounce, while continuing to fund a war that even generals say cannot be won militarily.

Well, then, we have already abandoned our troops in the field. We have abandoned them to lies about why the war was being fought. We have abandoned them to getting shot at from all sides. We have left them in a type of hell where we profess a strange love for them by keeping them there.

The money is in the pipeline right now to bring the troops home now; \$70 billion was appropriated for Iraq on October 1. The administration will ask for another \$160 billion in the spring. That is a total of \$230 billion for the Iraq war. In less than 2 years the war on the so-called defense budgets will cost more than \$1 trillion.

Stop wasting money. Stop wasting lives. Bring the troops home now and cut off funds for more war.

GODSPEED TO ERIC DELL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today I rise with mixed feelings. As the 109th Congress draws to a close, my longtime chief of staff, Eric Dell, will complete his tenure on Capitol Hill.

Eric and I have worked together for the past 14 years. More than a trusted, competent staff member, Eric is a good friend. While I know he will go on to great things, his counsel and leadership in the office will be missed. I am happy about his new opportunities.

Raised in Ridgeland, South Carolina, by his loving parents, Wayne and Ouida

Dell, Eric has a distinguished career in South Carolina public service. He served as an intern to Senator Strom Thurmond and Governor Carroll Campbell. He managed the final campaign of my predecessor, the late Congressman Floyd Spence. He was the first-ever Republican chief of staff of the State Senate Transportation Committee.

I appreciate Eric's success and his training of his successor, Dino Teppara, who has served capably as legislative director for the Second District.

In conclusion, God bless our troops, and we will never forget September 11.

CUTS TO MEDICARE PHYSICIAN REIMBURSEMENT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, we have a problem. Without immediate congressional action, there are seniors in our country who will not receive medical care from their doctor next year. Payments to physicians who provide health care services to Medicare patients will be cut by over 5 percent as of January 1, 2007. If Congress fails to act before we adjourn this year, this cut will automatically go into effect. The result will be reduced access to care for Medicare patients across our Nation. Older Americans should not have to worry that their doctors will be forced to stop treating them because Congress did not act.

At a time when physician costs are skyrocketing, we cannot expect our doctors to lose money when they treat Medicare patients. There is still time to act, but the clock is ticking, and seniors are looking to Congress for leadership on this important issue.

The 109th Congress will soon end. It would be an outrage and a dereliction of duty if the Republican Congress, in its final days, does not fix this serious problem to avert a potential health care crisis for millions of our fellow Americans.

I urge that we pass a Medicare reimbursement fix before we leave this week.

□ 1015

COMMEMORATING THE 175TH ANNIVERSARY OF THE RABBIT HASH GENERAL STORE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to celebrate the 175th anniversary of the Rabbit Hash General Store. Rabbit Hash, located on the banks of the Ohio River, has a very special place in the heart of Kentuckians. I have a picture of the legendary general store hanging here in my office on Capitol Hill, and it seems that near-

ly every constituent that visits has a story to share about this very unique place.

After all, how many towns can say that they have elected a dog as their mayor twice. Rabbit Hash General Store traces its roots back to 1831 when it was first constructed to store goods awaiting the arrival of steamboats traveling on the Ohio River. The general store has remained in continuous operation since then, withstanding the test of time and of Mother Nature. The unique engineering of a blacksmith in the 1880s locks the structure of the general store in place when the waters of the Ohio begin to rise.

Rabbit Hash has been listed on the Register of National Historic Places, and in 2002 was sold to the Rabbit Hash Historical Society to ensure preservation for future generations of Kentuckians. I am extremely proud of those who kept this small community vibrant over the years and am excited to share in their celebration of the 175th anniversary of the Rabbit Hash General Store.

"FLAT STANLEY" PROJECT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to talk about a project that a student in our district is participating in. Emily Leal is a first grade student and an excellent student at Roosevelt Elementary School and contacted me about the Flat Stanley project. Roosevelt is a recognized school for its quality and also happens to be the elementary school in our district that I went to.

This national project, originally designed by Arthur Brown in his book, *Flat Stanley*, encourages communication and education among children around the world. Students make a Flat Stanley and start a journal for him. Then he is sent around to schools, professionals, persons in different geographic locations where Flat Stanley is treated as a guest for a few days and this journal is completed.

Flat Stanley and his journal are then returned to the original student who can plot his travels and share the journal for educational purposes with his or her fellow students. Since Emily's first grade class is participating in this project, she is a constituent of mine, and she chose to send Flat Stanley to me so he can visit the floor of Congress in Washington, DC.

Before I return Flat Stanley to Emily this next week, I am going to bring him to the House floor where America's elected officials participate in democracy. I hope that Flat Stanley will have a safe trip back with me to our district, and that Emily's class enjoys reading about his visit to Congress.

CONGRATULATING LISA KAPLAN AND BRAD SHERMAN ON THEIR RECENT WEDDING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, it is with great pleasure that I rise to congratulate our colleague, BRAD SHERMAN, and his wonderful new wife, Lisa Kaplan, on their recent wedding. On Sunday, I happily joined Lisa and BRAD at the beautiful Calamigos Ranch in Malibu, where they exchanged their vows surrounded by family and friends.

The groom, as we all know, is a fine and thoughtful gentleman who serves his constituents in southern California with great distinction, and is a dear friend to many of us. The bride is also a charming and wonderful individual. She does important work in the Office of Global Anti-Semitism at the State Department.

Now, I am sorry the newlyweds must spend their honeymoon here in the lame duck session, but I know they have a more romantic trip planned in the near future. I want to congratulate Lisa's father and stepmother, Robert and Peggy Kaplan, and honor the memory of her mother, Carol Weisberg.

I also want to honor the memory of BRAD's father, Maurice Sherman, and congratulate his mom, my dear friend Lane Sherman. To Lisa and BRAD, we wish you a life together of health and happiness. Mazel Tov.

THE ECONOMY AND THE DEFICIT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the past few years the Republican rule in Washington has left our Nation severely crippled with debt. Reckless fiscal policies have turned record surpluses into record deficits in 6 short years. Democrats believe that fiscal responsibility is a crucial ingredient in good government.

When we assume the majority in Congress next year, Democrats in this body will implement a pay-as-you-go plan for spending that will put our Nation back on the right financial path. Pay-as-you-go is the policy that helped us create those record surpluses in the late 1990s, surpluses that have been eliminated with tax breaks for the wealthiest few over the last 6 years. We must be accountable for every dollar that is allocated through this Congress, not constantly passing massive debt on to our children and grandchildren.

Madam Speaker, after Republicans refused to live up to their promises of fiscal restraint, the American people turned to Democrats to get our Nation's books out of the red. When the next Congress begins, we will start the process by using commonsense measures such as pay-as-you-go.

RAISING THE MINIMUM WAGE

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, with the holiday season in full swing, many American families are feeling the strain on their family finances. This is especially true for the millions of Americans who work full time for minimum wage and only earn about \$10,700 a year. The minimum wage in this Nation is currently at its lowest level in 50 years when adjusted for inflation.

Yet Republicans have continually refused to raise the pay of these full-time workers who struggle to make ends meet while facing a rapidly rising cost of living. An hourly wage of \$5.15 an hour is simply not a fair living wage for anyone. Democrats have fought for years to raise the minimum wage to \$7.25 an hour, a move that would positively benefit 7.3 million Americans. Madam Speaker, last month the American people showed their overwhelming support for this much-needed increase by voting for a Democratic majority in Congress and passing the minimum wage increase ballot initiatives in several States. Within the first 100 hours of the next Congress, Democrats will pass this important and long overdue legislation. Let's raise the minimum wage now.

WELCOME CHANGE AT THE
DEPARTMENT OF DEFENSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, as a strong opponent of the war in Iraq from the very beginning, I welcome the change in leadership at the Department of Defense. After years of hearing shifting rationales for the preemptive military strike launched by the Bush administration, the American public deserves a realistic evaluation of the conflict which has cost thousands of American and Iraqi lives.

It was sobering to hear Robert Gates, the nominee for Secretary of Defense, acknowledge yesterday that we are not winning the war in Iraq despite repeated reassurances to the contrary by the former Defense Secretary. Those of us who made the case in October of 2002 that we should not rush to war until the weapons inspectors had completed their work are deeply saddened that this unnecessary war has taken such a heavy toll and diminished the standing of the United States around the world.

I look forward to examining the recommendations of the bipartisan Iraq Study Group so that we can try to find our way out of this quagmire that was created by the rush to war based on faulty or, even worse, deliberately distorted intelligence.

DO-NOTHING CONGRESS

(Mr. MORAN of Virginia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, this year's Republican Congress was dubbed the most do-nothing Congress of all time, because it refused to do its job. Every year, at the very least, Congress is supposed to pass a budget and the 10 appropriation bills that fund the Federal Government. The Republicans never agreed on a budget resolution, and to date only two of the 10 appropriations bills have been signed into law.

Congressional Republicans plan to adjourn this week without passing the eight other bills. It doesn't matter that we are already 2 months into the 2007 fiscal year. It doesn't matter to them apparently that important spending decisions need to be made for crucial health care, education, transportation and environmental programs. Congressional Republicans simply refuse to do the job they were sent here to do.

Instead, they want to punt all of these funding decisions to the next Democratic Congress, giving us only a month to address the 2007 budget before the President sends us his 2008 budget recommendations. This is not the way Congress is supposed to work. The American people rightfully rejected a do-nothing Congress that continues to live up to its name.

LAME DUCK CONGRESS WADDLES
TO AN IRRESPONSIBLE CLOSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last month Americans went to the voting booth to voice their displeasure with the most do-nothing Congress in our Nation's history. It was bad enough the Republican Congress rejected our efforts to increase the minimum wage, to prevent Big Oil from price-gouging the American consumer, and to prevent seniors from falling into the prescription drug doughnut hole.

But now the most do-nothing Congress of all time prepares to leave Washington without passing a budget for the current fiscal year. Under the headline, "The lame duck Congress waddles to an irresponsible close," the Washington Post yesterday wrote, and I quote, "We understand the political temptation to do mischief by doing nothing, but this is a gross abdication of lawmakers' fundamental responsibilities. It creates enormous problems across the broad spectrum of Federal agencies which have no assurance about what their final spending allowances will be."

House Republicans refuse to do their job and have decided to throw their budget mess to the new Democratic Congress. Talk about being irresponsible.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

EXPORT-IMPORT BANK
REAUTHORIZATION ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3938) to reauthorize the Export-Import Bank of the United States, as amended.

The Clerk read as follows:

S. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of authority.
- Sec. 3. Sub-Saharan Africa Advisory Committee.
- Sec. 4. Extension of authority to provide financing for the export of non-lethal defense articles or services the primary end use of which will be for civilian purposes.
- Sec. 5. Designation of sensitive commercial sectors and products.
- Sec. 6. Increasing exports by small business.
- Sec. 7. Anti-circumvention.
- Sec. 8. Transparency.
- Sec. 9. Aggregate loan, guarantee, and insurance authority.
- Sec. 10. Tied aid credit program.
- Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
- Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
- Sec. 13. Competitiveness initiatives.
- Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
- Sec. 15. Governance.
- Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guarantee programs.
- Sec. 17. Sense of Congress regarding office of renewable energy promotion.
- Sec. 18. Environmental matters.
- Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.
- Sec. 20. Reports.
- Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2006” and inserting “2011”.

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) **EXTENSION OF AUTHORITY.**—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “2006” and inserting “2011”.

(b) **IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.**—

(1) **MASTER GUARANTEE AGREEMENTS.**—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank’s guarantee undertakings and related obligations between the Bank and each lender.

(2) **REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.**—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

“(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

“(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

“(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act.”.

(c) **INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.**—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

“(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank.”.

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking “2001” and inserting “2011”.

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

“(5) **DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.**—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an

updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.”.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) **IN GENERAL.**—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

“(f) **SMALL BUSINESS DIVISION.**—

“(1) **ESTABLISHMENT.**—There is established a Small Business Division (in this subsection referred to as the ‘Division’) within the Bank in order to—

“(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

“(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

“(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

“(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

“(2) **MANAGEMENT.**—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

“(A) have substantial recent experience in financing exports by small business concerns; and

“(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

“(g) **SMALL BUSINESS SPECIALISTS.**—

“(1) **DEDICATED PERSONNEL.**—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

“(2) **RESPONSIBILITIES.**—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

“(3) **APPROVAL AUTHORITY.**—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of

exports which have a value of less than \$10,000,000.

“(4) **IDENTIFICATION.**—The Bank shall prominently identify the small business specialists on its website and in promotional material.

“(5) **EMPLOYEE EVALUATIONS.**—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

“(6) **STAFF RECOMMENDATIONS.**—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

“(7) **RULE OF INTERPRETATION.**—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

“(h) **SMALL BUSINESS COMMITTEE.**—

“(1) **ESTABLISHMENT.**—There is established a management committee to be known as the ‘Small Business Committee’.

“(2) **PURPOSE AND DUTIES.**—

“(A) **PURPOSE.**—The purpose of the Small Business Committee shall be to coordinate the Bank’s initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

“(B) **DUTIES.**—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

“(i) Assisting in the development of the Bank’s small business strategic plans, including the Bank’s plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank’s progress in achieving the goals set forth in the plans.

“(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

“(I) the performance of each operating division of the Bank in serving small business concerns;

“(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

“(III) the adequacy of the staffing and resources of the Small Business Division.

“(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

“(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

“(3) **COMPOSITION.**—

“(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee’s members.

“(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

“(i) the senior managing officers responsible for underwriting and processing transactions; and

“(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

“(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.”.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting “or other financing institutions or entities” after “consortia”.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

“In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.”;

(2) in paragraph (2), by adding at the end the following:

“(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A).”; and

(3) by adding at the end the following:

“(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of

all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.”.

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

“(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

“(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

“(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

“(ii) the views of the public and interested parties.

“(B) NOTICE AND COMMENT REQUIREMENTS.—

“(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

“(I) the country to which the goods involved in the transaction will be shipped;

“(II) the type of goods being exported;

“(III) the amount of the loan or guarantee involved;

“(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

“(V) the amount of increased production that will result from the transaction;

“(VI) the potential sales market for the resulting goods; and

“(VII) the value of the transaction.

“(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

“(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

“(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term ‘material change’, with respect to an application, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

“(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or

guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

“(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

“(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

“(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.”.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting “of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)” after “comment period”.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

“(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011.”.

SEC. 10. TIED AID CREDIT PROGRAM.

(a) IN GENERAL.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)(5)(B)(ii)) is amended to read as follows:

“(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

“(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

“(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary’s intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

“(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.”.

(b) **CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.**—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting “, including those that are not a party to the Arrangement,” after “countries”;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by inserting after subparagraph (B) the following:

“(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;”;

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking “and” and by inserting “, and to seek compliance by those countries that are not a party to the Arrangement” before the period; and

(ii) in subclause (III), by adding at the end the following: “In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.”.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

“(13) **PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.**—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does not traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.”.

SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(g) **PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.**—The Bank shall establish and adhere to a clearly defined process for—

“(1) acknowledging receipt of applications;

“(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

“(3) keeping applicants informed of the status of their applications, including a clear

and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

“(h) **RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.**—

“(1) **RESPONSE TO APPLICATIONS.**—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

“(A) a request for such additional information as may be necessary to make the application complete;

“(B) the name of a Bank employee who may be contacted with questions relating to the application; and

“(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

“(2) **WEBSITE.**—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

“(A) Bank products may be applied for; and

“(B) information may be obtained with respect to—

“(i) the status of any such application;

“(ii) the Small Business Division of the Bank; and

“(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa.”.

SEC. 13. COMPETITIVENESS INITIATIVES.

(a) **EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.**—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

“SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

“(a) **IN GENERAL.**—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

“(1) **ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.**—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank’s rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

“(2) **ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.**—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in ac-

cordance with section 2312 of the Export Enhancement Act of 1988.

“(3) **TIED AID CREDIT PROGRAM AND FUND.**—The report required by section 10(g).

“(4) **PURPOSE OF ALL BANK TRANSACTIONS.**—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

“(5) **EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.**—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

“(6) **SIZE OF BANK PROGRAM ACCOUNT.**—A separate section which—

“(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

“(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

“(7) **CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.**—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

“(8) **SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.**—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

“(9) **EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.**—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

“(10) **FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.**—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the

Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

“(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.”

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting “, including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))” before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

“(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

“(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

“(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

“(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.”

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: “From the amount made available under the preceding sentence, it shall be a goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).”

SEC. 15. GOVERNANCE.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

“(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.”

SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

SEC. 18. ENVIRONMENTAL MATTERS.

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “15” and inserting “17”; and

(B) in subparagraph (B), by inserting “environment,” before “production,”; and

(2) in paragraph (2), by adding at the end the following:

“(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.”

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Im-

port Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: “Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.”

SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

SEC. 20. REPORTS.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

“(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

“(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

“(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

“(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

“(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the

amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

“(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

“(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

“(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

“(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

“(B) if the Bank has been unable to comply with such subparagraphs—

“(i) an analysis of the reasons therefor; and

“(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved, such compliance.”.

SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.

(a) **STUDY.**—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) **REPORT TO CONGRESS.**—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. **BIGGERT**) and the gentlewoman from New York (Mrs. **MALONEY**) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. **BIGGERT**. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. **BIGGERT**. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge the immediate passage of Senate 3938, the Export-Import Bank Reauthorization Act of 2006. A compromise between the Senate-passed product and the House version, H.R. 5068, introduced by my friend from Ohio (Ms. **PRYCE**), this is an excellent bill that deserves broad and deep support.

Madam Speaker, I am very pleased to see this bill on the floor today. The House and Senate versions both enjoyed broad bipartisan support in committee and in floor consideration, and it seems to me that this bill makes a number of important reforms to the way Ex-Im operates that we all can be very proud of.

First and foremost, Madam Speaker, this bill firmly establishes congressional intent that the bank should focus its attention on increasing exports by small businesses. The bank does a tremendous job of supporting exports by large corporations and will continue to do so. But small businesses often have had a difficult time navigating the intricate and unfamiliar waters of loan guarantees and insurance offered by the bank.

This bill establishes a small business division within the bank staffed by specialists on small business operations. More importantly, it authorizes the small business specialist to approve loans, guarantees and insurance on some projects quickly so that the U.S. small businesses will not be aced out of international competition by another country's export credit agency that moves faster to cement the deal.

The bill also establishes a special office to serve small businesses owned by women and the economically disadvantaged and expresses the congressional view that Ex-Im should have an office that focuses on exports of renewable energy technology, an area where the U.S. can excel as a world leader.

Finally, this bill establishes a number of new reporting regimes and reorganizes others so that Congress can better monitor and perform oversight on Ex-Im operations, a job some have felt to be difficult in the past.

In our increasingly competitive global environment, we must ensure that we can provide every advantage and eliminate every obstacle for U.S. businesses to win the sale over foreign competitors. This is a bill that all Members can be proud of and will increase U.S. exports, and thus U.S. employment in a responsible manner.

I want to thank Chairman **OXLEY** and Ranking Member **FRANK** for their strong support in guiding this bill. They, along with Mrs. **MALONEY**, Mr. **MANZULLO** and Ms. **VELÁZQUEZ**, joined me as original cosponsors with Chairman **PRYCE**, and all were helpful, as well as Chairman **SHELBY** and Ranking Member **SARBANES** and Senator **CRAPO** in the Senate.

I would also like to thank the staff who worked on this bill: Chairman **PRYCE**'s former staff member, Jackie Moran; Scott Morris of Mr. **FRANK**'s staff; and Eleni Constantine from Mrs. **MALONEY**'s staff. Also Gregg Richard on the staff of the Senate bill's sponsor, Senator **CRAPO**, was instrumental in passage, and I will note we trained him well when he worked here in the House, as well as Andrew Olmen from Senator **SHELBY**'s staff and Steve Kroll for Senator **SARBANES**.

With that, Madam Speaker, I urge immediate passage of this bill and reserve the balance of my time.

□ 1030

Mrs. **MALONEY**. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the ranking member of the Financial Services Subcommittee with jurisdiction over the Export-Import Bank, I am delighted to speak once again in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006.

This bipartisan legislation was overwhelmingly supported by this body when it came to the floor in April as H.R. 5068, and was also strongly supported in the Financial Services Committee and the Small Business Committee on a bipartisan basis. We have all worked together on this, and I would like to thank Chairman **OXLEY**, Ranking Member **FRANK**, Chairman **MANZULLO**, Ranking Member **VELÁZQUEZ**, Chairwoman **PRYCE**, Representative **WATERS** and our staffs, especially Scott Morris and Joe Pinder of the Financial Services staff, Eleni Constantine from my staff, and many others for their very hard work on this bill.

The bill that we consider today, though it bears a Senate designation, includes substantially all of the key initiatives that we included in our House bill. Chief among these are new provisions on small business competition and transparency. Our small business initiative starts with a new small business division within the bank run by a senior VP who will advise the board directly.

Within the bank, the bill creates small business specialists with authority to approve smaller working capital loans and guarantees to speed up the process. The bill also creates a Small Business Committee to assist the bank in advancing its small business agenda. Within this division, the bill creates an office charged with expanding outreach to socially and economically disadvantaged small businesses and small businesses owned by women, and it also increases the amount of loans, guarantees and insurance provided by the bank to support exports by these small businesses.

The bill also empowers and directs the bank to deal more forcefully and directly with the looming threat to the U.S. export economy posed by China, which is effectively subsidizing its exports through its currency and otherwise. Since China is not a member of the Organization For Economic Cooperation and Development, Ex-Im's export credit activities are a particularly important vehicle to level the playing field. This is also true for subsidized exports from other non-OECD nations such as Brazil, which are taking a greater share of the markets and unfairly challenging our exports.

In this regard, the bill gives the bank greater authority to use the Tied Aid

Fund, a fund established several years ago by Congress specifically to combat unfair export activities by other countries' export credit agencies. U.S. companies should not have to compete with one hand tied behind their backs and unfair subsidies to their competitors.

I am also pleased that the pro-customer provisions that I was personally responsible for are part of this bill. They include notification requirements so that applicants know what is happening to their application and a mandate to improve Ex-Im Online to make it more user friendly and attract small business applicants. My constituents and many others have complained that the Ex-Im process is needlessly unhelpful and opaque, and these are simple steps to fix that problem. People should not have to wait for months, possibly even a year, to find out that one small item was missing from their application that caused them not to receive their support.

We have also dealt with some regional issues that are of significance to broad constituencies. First, the bill asks the bank to consult with the African Development Bank and similar entities to increase the number of qualified African entities.

Second, the bill prohibits the bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia, as Turkey has proposed. As a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant Armenian community of Americans, I particularly want to thank my colleagues JOE CROWLEY and Representative ROYCE for their hard work on this issue.

Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor. It is in our economic and security interests to ensure that we do not support the historic aggression between Turkey and Armenia.

As the independent U.S. Government agency that assists in financing the export of U.S. goods and services to markets around the world through export credit insurance, loan guarantees and direct loans, the Ex-Im Bank has long played a key role in the economy of many of the districts that each of us represent. Today, more than ever, the future of the bank is of a great interest and concern because it has significant potential to affect the national economy, job growth and our trade imbalance.

Our country now faces a record trade imbalance of over \$800 billion, the largest trade imbalance in our history. This is one agency which can work on the trade imbalance issue as part of its mission.

This reauthorization bill provides fresh guidance to the bank, as well as enabling it to carry on its very important work. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as he may consume to the ranking member of the Financial Services Committee, the gentleman from the great State of Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, my congratulations to the two gentlewomen who are presiding over this bill. I think this is one more example, as this Congress draws to a close, of the way in which the Committee on Financial Services under the leadership of our retiring chairman, the gentleman from Ohio, Mr. OXLEY, was able to deal in a very bipartisan way on issues that deserve to be bipartisan.

I always want to point out that partisanship is a good thing in a democracy and there are issues where the parties legitimately ought to be presenting different viewpoints. The important thing is not to allow those legitimate differences to spill over and poison the ability to work together where there aren't differences of an ideological sort. This is an example.

Indeed, I want to thank the Members on the majority side for accommodating many of the concerns that we had here. The gentlewoman from New York who took the lead in forging this compromise from our side correctly mentioned some of them.

But in particular we have always felt that it is important to promote engines that help the economy grow but to recognize that growth does not automatically produce fairness. In our job, we have seen it as when we deal with these pro-growth engines, as I believe the Export-Import Bank can be when it is done right, that we put in some elements of fairness, and that is what has been done here with regard to smaller businesses, with regard to women and minorities.

Indeed, our colleague, the gentlewoman from New York, Ms. VELÁZQUEZ, who will chair the Small Business Committee in the next Congress, had some particular concerns, some of which have been accommodated, and I want to take this opportunity to say that if I become the chair of the committee, and the gentlewoman from New York will still be on the committee and will still be playing a major role, we intend to further work with the gentlewoman from New York, Ms. VELÁZQUEZ, to make sure that small business gets a piece of this.

Let me say, in an ideal world, we wouldn't have an Export-Import Bank. If there were no interventions in the market by other countries, there would be no need for this entity. But neither in economics nor in the military area do I think that unilateral disarmament makes sense; and I would hope, and we did this with regard to China, that this would be regarded as an instrument to be used in the legitimate self-defense of American industry. And to the extent that we can ever negotiate a disappear-

ance of this kind of export subsidy everywhere, then I would be in favor of our dropping it. But until then, we need to be able to deal in this world, and I think this bill does this in the best possible way, and I thank the gentlewoman.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 2 minutes to the gentleman from the Empire State, my colleague and good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, I thank my good friend CAROLYN MALONEY for yielding this time.

Madam Speaker, I rise in support of the Ex-Im Bank reauthorization legislation before us. This bill will strengthen the Ex-Im Bank's ability to allow American companies to compete in the global market as we try to increase our exports and increase our global competitiveness and create more and better paying jobs right here in the United States. This is a bill about exporting products, not a bill about exporting jobs.

Additionally, I am happy to say both the Senate and House versions of this bill include language that I coauthored pertaining to the nation of Armenia, a great ally of our country.

My language, done with Congressman ED ROYCE on the other side of the aisle and Congressman BRAD SHERMAN, prohibits the Ex-Im Bank from funding any railway projects from Azerbaijan through Jordan and Turkey which specifically and intentionally bypasses Armenia. I am very pleased that this language was included in the final version of this legislation.

This language will assist in promoting stability in the Caucasus region, help in ending longstanding conflicts and save U.S. taxpayers the responsibility of funding a project that goes against U.S. interests.

For over 10 years, Armenia has fought a blockade imposed on them by the countries of Turkey and Azerbaijan. These two countries continually exclude Armenia from regional development. Exclusion of one country in regional projects only fosters instability in that region.

Besides possibly creating a regional crisis, this project, if funded by the Ex-Im Bank, could cost U.S. taxpayers millions and millions of dollars. I do not believe that the U.S. taxpayers should be funding a project that goes against our United States interests. I am pleased this good language was added to an already good bill.

Therefore, I urge my colleagues to support this Ex-Im reauthorization legislation before us.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, first of all I do want to thank my colleagues

from New York, particularly JOE CROWLEY, for this provision in this bill relating to Armenia and the railroad in the Caucasus region.

I also want to thank the ranking member of the subcommittee, Mrs. MALONEY, she has always been outstanding on issues that impact Armenia and the Caucasus; as well as our full committee chairman and the ranking member, Mr. FRANK from Massachusetts.

I just want to stress how important this provision is with regard to Armenia and the Caucasus region. It has been the policy of this Congress, as Mr. CROWLEY said, for some time, to encourage interrogation of the Caucasus nations, that is, Armenia, Azerbaijan, Georgia, as well as Turkey. And the idea of building a railroad that would cut off Armenia, which has been suggested by Azerbaijan and Turkey, would be totally contrary to the policy that this Congress, both under Democrat and Republican leadership, has had for the last 20 years every time we have tried to encourage integration, even a customs union eventually between these Caucasus nations. And to cut off one of the countries in this significant way by building a railroad around Armenia that bypasses it is totally contrary to that policy.

We should also understand that an existing railroad is there. I actually was in Gumry in Armenia and there is a railroad now that goes between Turkey through Armenia and then to Azerbaijan. So there is absolutely no reason to build a new railroad. All you have to do is open the borders, which are now blockaded by Turkey and Azerbaijan, and allow this railroad to be upgraded somewhat, at very minimal cost.

You have to understand that in this region both the powers in Turkey, in the Karaz region of Turkey, as well as those within the Gumry region of Armenia, are in favor of opening the old railroad and ending the blockade. The mayors in these regions, the county officials, have worked together to try to bring these regions together. Unfortunately, in Ankara, the Turkish Government is opposed to it, and they have done everything they can to stop it, and now they propose this new railroad.

This unfortunately happened already with the oil pipeline. The Caspian oil pipeline was supposed to go through Armenia, it is the shortest route, and it was bypassed. So now we have a situation where, because of the oil situation, Armenia is bypassed and we find more and more this effort to isolate Armenia. It is a mistake.

As has been mentioned by my colleagues, if you don't bring countries together, and I use the European Union as an example, those countries in Europe fought each other for generations, but once you had a European Customs Union they worked together. Now they are a unified whole.

If this policy continues of isolating Armenia, it will only lead to another

war, because as Armenia becomes isolated and those countries around it become more and more antagonistic, the end result could possibly be another war.

That is not in the interests of the United States. We have to fight this war against terrorism. We need all the Caucasus nations working together. Ultimately what I would like to see is a customs union similar to the European Union in these Caucasus nations.

So I just want to thank everyone, Mrs. MALONEY, Mr. FRANK, Mr. CROWLEY, for putting a stop to this policy of isolating Armenia, which is not good for Armenia, not good for the Caucasus nations, and ultimately not good for the United States. Let's continue the policy of cooperation in bringing these countries together for the common good.

□ 1045

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume. I have no further requests for time, and I am about to yield back the balance of my time.

But before I do, I would like to once again congratulate two of my colleagues on the other side of the aisle who are retiring who served on this committee with great distinction, Chairman LEACH and Chairman OXLEY. I thank them for their service and for putting the safety and soundness and fairness of our financial institutions front and center on the concerns of this committee and for their attention and consideration to all points of view, including the minority. It was an honor to serve with them, and they served this country well. We will miss you.

Mr. OXLEY. Madam Speaker, I rise today in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006, a strong compromise between the House and Senate versions of bills reauthorizing this country's vital export credit agency. This is the second time as Chairman of the Financial Services Committee that I have been involved with the Ex-Im Bank's reauthorization and I remain a strong supporter of the Bank primarily because it continues to create and sustain American jobs.

Since our last authorization in 2002, the Bank has provided guarantees on loans to buyers of U.S. exports and insurance products numbering close to 11,500 total transactions—of which \$7 billion of authorizations supported over \$63 billion in export value. Alongside these numbers is the very impressive fact that last year alone the Bank returned over \$1.7 billion to the U.S. Treasury in the form of fees, far outstripping the \$145 million appropriated.

Madam Speaker, I also am proud to note that like many of the bills we have passed throughout my chairmanship of the Financial Services Committee, this was an overwhelming bipartisan effort, led by Chairman DEBORAH PRYCE and Ranking Member CAROLYN MALONEY as well as Representatives BIGGERT, VELÁZQUEZ and MANZULLO and with the strong support of this committee's next chairman, BARNEY FRANK. This bill also represents important input from the Committee on Small Business, various export and banking

experts, representatives of both small and large businesses, environmentalists and even a former president of the Bank.

Madam Speaker, the bill before us makes changes necessary to keep the Bank vital through the five years of this reauthorization. The greatest of these changes will be the creation of a permanent Small Business Division whose function will be conducting outreach programs and tailoring Bank products to be more user-friendly for small businesses. This division will better equip the Bank to meet its mandate of making 20 percent of its total loans and guarantees available to small businesses, with particular emphasis towards helping small businesses owned by women, minorities, and the socially and economically disadvantaged. Additionally the bill contains a number of reporting requirements that will allow Congress to better monitor the Bank's activities.

Madam Speaker, passage of S. 3938 will enable the Bank to be even more successful during the next five years. I urge its passage today.

Mr. MANZULLO. Madam Speaker, I want to commend the gentleman from Ohio (Mr. OXLEY), the gentlelady from Ohio (Ms. PRYCE), the gentleman from Massachusetts (Mr. FRANK), and the gentlelady from New York (Mrs. MALONEY) for finalizing action on this important bill to reauthorize the Export-Import Bank of the United States. I also want to commend the other body for working with us to get this bill over the finish line.

This bill should actually be renamed the Small Business Exporters Act of 2006. I am pleased that S. 3938 retains many of the key small business enhancements that I have advocated for many years. S. 3938 restores a viable Small Business Division and creates a Small Business Committee within Ex-Im to better serve the needs of small exporters. This legislation bill also enhances the Bank's delegated loan authority with respect to medium-term transactions by private lenders for small businesses. This is one key tool to help Ex-Im reach and exceed its 20 percent statutory mandate for small businesses.

S. 3938 retains the House provision designating adequate staff in each of the Bank's operating divisions to specialize in the needs of small business exporters. Furthermore, these small business specialists will have the authority under appropriate guidelines to approve loan, guarantee and insurance applications for small business exporters. While the final language contains a non-binding "sense of Congress" recommendation that these small business specialists have this authority up to \$10 million, I strongly urge the Bank to make this a reality. Adequately implemented, this provision will help small business exporters overcome the obstacles of the historically slow internal approval process within the Ex-Im Bank.

These small business specialists will also serve as members of the Small Business Committee at the Bank. These small business specialists will be on the front line of assisting small business and will have first-hand knowledge of Ex-Im products that work and what needs to be changed.

Finally, I am pleased that the leaders of the House Financial Services Committee retained the Senate provision that allows the Senior Vice President for Small Business at the Bank

to intervene in applications from small businesses that appear on their way towards denial. This gives small business exporters one last crack at the bat to see what can be done to get an application approved.

I was pleased to work with many of the industry groups who support Ex-Im Bank, particularly the Small Business Exporters Association, in the development of the small business provisions in S. 3938. They are supportive of these provisions.

Madam Speaker, passage of S. 3938 will send a powerful positive signal to small business exporters around the nation that there will be internal advocates for them within the Bank from the time they enter the door until the time they exit with a decision. With these new legislative enhancements to Ex-Im's charter, small business exporters will have strong shoulders to stand on to win trade deals overseas. I urge the adoption of S. 3938.

Ms. LEE. Madam Speaker, I want to begin by thanking the outgoing and incoming Chairmen of the Financial Services Committee, Mr. OXLEY and Mr. FRANK, the outgoing DIMP subcommittee Chairwoman, Ms. PRYCE, and my colleague from New York, Mrs. MALONEY for working together in such a bipartisan way to reauthorize the Export-Import Bank.

I believe the legislation we have before us today significantly improves the ability of the bank to respond to the needs of small business exporters and particularly minority and women-owned small business exporters.

By creating a new office for socially and disadvantaged small businesses and businesses owned by women, we are responding to a critical and glaring gap in Ex-Im's outreach programs.

The office builds directly from an amendment that I co-authored in 2001, during the last reauthorization which required Ex-Im to annually report on the number and type of transactions it conducts with minority and women-owned businesses.

The inadequate reporting from Ex-Im and their token support for minority outreach has made this new office a necessity. I want to thank my colleagues for making it a priority, and specifically Ms. VELÁZQUEZ for her work on this.

I also want to express my gratitude to Ms. PRYCE and Mr. FRANK for agreeing to add language to the manager's amendment which requires the Bank President to consider qualified minority and women applicants when filling positions within this new office.

My amendment will ensure that Ex-Im conducts culturally competent and sensitive outreach by hiring individuals who can relate to the particular challenges faced by minority and women-owned small businesses and who can speak their language.

I am also supportive of the provisions in the bill to increase small business exports, simplify Ex-Im's application process, reaffirm our commitment to expanding exports to Sub-Saharan Africa and expand transparency at the Bank.

I believe that improvements to Ex-Im could still have been made, in particular, to ensure compliance with environmental standards following the completion of a transaction, and to get a better understanding of what Ex-Im's real impact is in creating and retaining American jobs.

However, in the next Congress as we conduct oversight of Ex-Im and its implementation of this bill, I hope that we can continue to examine these remaining issues.

Mrs. MALONEY. Madam Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, I would urge passage of this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 3938, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL TRIBUTE TO DR. NORMAN E. BORLAUG ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2250) to award a congressional gold medal to Dr. Norman E. Borlaug.

The Clerk read as follows:

S. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Tribute to Dr. Norman E. Borlaug Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Dr. Norman E. Borlaug, was born in Iowa where he grew up on a family farm, and received his primary and secondary education.

(2) Dr. Borlaug attended the University of Minnesota where he received his B.A. and Ph.D. degrees and was also a star NCAA wrestler.

(3) For the past 20 years, Dr. Borlaug has lived in Texas where he is a member of the faculty of Texas A&M University.

(4) Dr. Borlaug also serves as President of the Sasakawa Africa Association.

(5) Dr. Borlaug's accomplishments in terms of bringing radical change to world agriculture and uplifting humanity are without parallel.

(6) In the immediate aftermath of World War II, Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico. It was there that Dr. Borlaug made his breakthrough achievement in developing a strand of wheat that could exponentially increase yields while actively resisting disease.

(7) With the active support of the governments involved, Dr. Borlaug's "green revolution" uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan.

(8) Dr. Borlaug's approach to wheat production next spread throughout the Middle East. Soon thereafter his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has saved to more than a billion people.

(9) In 1970, Dr. Borlaug received the Nobel Prize, the only person working in agriculture to ever be so honored. Since then he has received numerous honors and awards including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, and the Rotary International Award for World Understanding and Peace.

(10) At age 91, Dr. Borlaug continues to work to alleviate poverty and malnutrition. He currently serves as president of Sasakawa Global 2000 Africa Project, which seeks to extend the benefits of agricultural development to the 800,000,000 people still mired in poverty and malnutrition in sub-Saharan Africa.

(11) Dr. Borlaug continues to serve as Chairman of the Council of Advisors of the World Food Prize, an organization he created in 1986 to be the "Nobel Prize for Food and Agriculture" and which presents a \$250,000 prize each October at a Ceremony in Des Moines, Iowa, to the Laureate who has made an exceptional achievement similar to Dr. Borlaug's breakthrough 40 years ago. In the almost 20 years of its existence, the World Food Prize has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States.

(12) Dr. Borlaug has saved more lives than any other person who has ever lived, and likely has saved more lives in the Islamic world than any other human being in history.

(13) Due to a lifetime of work that has led to the saving and preservation of an untold amount of lives, Dr. Norman E. Borlaug is deserving of America's highest civilian award: the congressional gold medal.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized to make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Norman E. Borlaug, in recognition of his enduring contributions to the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

(a) NATIONAL MEDAL.—The medal struck under this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all duplicate medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the cost of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge Members to join in saluting an American hero who deserves to be recognized for his lifetime service to the world by passing S. 2250, the Congressional Tribute to Dr. Norman E. Borlaug Act of 2006.

Senate 2250 directs the Speaker of the House and the President of the Senate to make appropriate arrangements to award a gold medal on behalf of Congress to Dr. Norman Borlaug in recognition of his enduring contributions in fighting hunger around the world. This legislation is identical to H.R. 4924, introduced by the gentleman from Iowa (Mr. LATHAM).

Madam Speaker, Dr. Borlaug is a Nobel Peace Prize recipient of whom few have heard, a humanitarian responsible for mounting a global campaign against hunger that saved so many of the world's neediest people through agricultural science.

In 1944, he took on the task of researching high-yield and disease-resistant cereal grains. Through trial and error, Dr. Borlaug's efforts led to the development of varieties of wheat that completely altered production agriculture as it was then known in places like Pakistan, India and Mexico. The dwarf wheat variety allowed farmers to produce far more grain per acre than anyone could have predicted. This newfound bounty gave the world's poorest people access to food, ensuring children who otherwise would have been victims of malnutrition could thrive.

Dr. Borlaug's landmark discoveries in agriculture led to what is called the "Green Revolution." However, this modest man, born and raised in Cresco, Iowa, and educated in Minnesota, once said his accomplishments were only "a temporary success in man's war against hunger and deprivation."

Madam Speaker, I recognize that many in Congress and throughout the country do not know about the progress we have made in production agriculture and are unaware of the countless contributions made by agricultural scientists such as Dr. Borlaug. However, his leadership has inspired so many others of our best and brightest students to pursue careers in agriculture sciences, and his work will live on in the lives of those who have been spared the misery of starvation.

Madam Speaker, this is an honor long overdue, and I would urge immediate passage of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

I congratulate the delegation from Iowa on bringing forward this very important symbol honoring a very great man, a man who has performed enormous service for humanity. It was first called to my attention by the gentleman from Iowa who is I believe now the dean of the majority of the Iowa delegation, and I am delighted to be the first to recognize him in that context, my very good friend and a very good leader.

Madam Speaker, I yield as much time and as much corn as he may consume to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, thank you very much. I thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

I would also like to thank my colleague and friend Congressman LATHAM for working on this and leading out on this very, very worthwhile tribute to Dr. Borlaug. He is from Iowa. We have known him for some time. As you might reflect, some of you, some years ago he was awarded the Nobel Peace Prize. It was for his work in agriculture. He started the Green Revolution. It was he that led out with the education, the expertise, the research to feed the world. He is credited with a billion people, saved their lives, fed the world—it has been quite a thing.

I happened to be serving in the Iowa legislature at the time. I was appropriations chair, and it looked like the World Food Prize was going to disappear. We saw the opportunity to bring it to Iowa. A great benefactor, which Mr. LATHAM knows, too, Mr. John Ruan II, saw the need to keep this alive, and so put forth the effort in a hard time in our country, and we called it the agricultural crisis of those days, and was willing to put forth. We started out with a little public-private partnership working together with the understanding that the Ruan family, which they have done, would take it over and run with it. Well, they have.

Dr. Borlaug was the first awardee of the World Food Prize 20 years ago in Iowa, and wow, what an appropriate person to receive this honor. It has been ongoing. Ambassador Quinn, a former ambassador at the State Department for years, serves with distinction as the administrator and CEO of the World Food Prize. It is something we are very proud of in the United States of America. We are very proud of it in our State of Iowa. It is a worthy thing.

We think of our State of Iowa and the surrounding States as the food basket of our country, and so we have a World Food Prize. This is something

that we ought to do to identify Dr. Borlaug. He is in his nineties. He is still very vital and vibrant and eloquent in his presentations, and the things he has done to reach out around the world with young people is most impressive. We have a great program and he is right in the middle of it and still providing a wonderful service, a wonderful example of what we would like to see coming from our country.

Of course, we are very proud, Tom and I and all of us in the delegation, of our State. I might add that our new Members, Mr. Braley and Mr. Lobsack, very much if they were able to would be signed on to this resolution as well, and I wanted to make note of that.

So I rise in support of Senate 2250, a tribute to Dr. Norman Borlaug. I would hope that every one of us would make this a unanimous thing, a great American, a great cause, and this is the highest recognition we can give, and we ought to do it.

I am very proud of my fellow Iowan Dr. Borlaug. He is a great humanitarian who has been credited with saving one billion lives. His research and work changed production agriculture, as we know it today. Dr. Borlaug's life has been marked with many accomplishments; one such accomplishment was founding the World Food Prize, which is located in Des Moines, Iowa. The World Food Prize recognizes contributions by individuals who have worked to improve the quality, quantity and availability of the world food supply. I am proud to say the Prize celebrated its 20th anniversary this year.

I would also like to recognize the Ruan family. When the World Food Prize was in trouble the Ruan family created a trust that would support the World Food Prize, patterned after the Nobel Peace Prize. This happened and I am pleased to report that the Ruan family, now under the leadership of John III, has fulfilled their pledge and the World Food Prize is a vital entity that we are very proud of.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), the sponsor of the identical legislation, H.R. 4924.

Mr. LATHAM. Madam Speaker, I thank the gentlewoman for recognizing me and Mr. FRANK for his kind words about the great State of Iowa and I thank Mr. BOSWELL very much for the kind words, a great friend.

I really would like to, first of all, thank the Speaker and the majority leader for allowing this bill to come to the floor today. It is extraordinarily important that we do recognize this great humanitarian.

I would also like to thank my staff who has worked for weeks and weeks on this to get the support that is needed to bring a provision like this to the floor. It is very much appreciated.

Dr. Norman Borlaug truly is an American superhero and really not that many people have heard of him because he has worked very quietly behind the scenes. He has done great things but he is someone who does not seek recognition.

His campaign to save the lives of the world's neediest people through agricultural science deserves this very, very special recognition. How many lives has he saved? Dr. Borlaug's innovative leadership in plant breeding and agricultural production is credited with saving the lives of nearly one billion people. That is right, one billion people.

It was back in 1944 when he was given the task, like Mrs. BIGGERT mentioned, of researching high-yield, disease-resistant cereal grains to help feed the neediest people, and through all of his efforts he was successful in developing varieties of wheat that completely altered agriculture as we know it in places like Pakistan, India, Mexico, Central America.

The wheat variety he developed has allowed those farmers to produce far more grain than they ever thought possible in those regions. This bounty gave the poorest people of the world an opportunity to be fed and, most importantly, to ensure that their children were not suffering from malnutrition and starvation.

He was the person that is credited with developing the Green Revolution, which changed agriculture, changed food production worldwide. He truly is a legendary figure with the agricultural community, and his name is well-known all across the world.

I am very proud of the fact that Dr. Borlaug was born and raised in my district in Cresco, Iowa, and is known locally as a very modest man who once talked about his accomplishments, and again, as a quote, "a temporary success in man's war against hunger and deprivation."

It is almost 40 years since the Nobel Peace Prize was given to Dr. Borlaug. Today, at age 92, he continues to work for improvement in mankind, and for this reason, I introduced H.R. 4924, a companion bill to the underlying measure, Senate 2250, which is a bill to award this great humanitarian, Dr. Norman Borlaug, the Congressional Gold Medal for his lifetime of service to the world.

I know there are many in Congress who do not think about the progress we have made in production agriculture and are probably unaware of the countless contributions made by agricultural scientists like Dr. Norman Borlaug. Dr. Borlaug's leadership has inspired so many young people to enter agricultural sciences today, and his legacy will go on forever, with his forethought and his innovation.

It really is his work and the work of future innovators that will live on in the lives who have been spared so much misery from starvation, and I respectfully urge my colleagues to support the underlying bill so that we can officially recognize this great humanitarian, Dr. Norman Borlaug.

Mr. FRANK of Massachusetts. Madam Speaker, in this Congress I run out of Iowans before the other side does. So I will reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman also from Iowa (Mr. LEACH), and he has been a great leader and we will miss him in Congress.

□ 1100

Mr. LEACH. I thank the gentlewoman for yielding, and I want to thank very much the chairman-to-be of the Financial Services Committee for his cooperation in bringing this forth.

And I might say to the chairman-to-be that I understand that you are thinking of a theme of being pro-business with an emphasis on fairness. I think that is a very appropriate theme, and I wish you every success. This Congress has a vested interest in seeing that the next Congress works well, so I wish you well.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to express my appreciation. Those words coming from someone I admire as much as I admire the gentleman from Iowa, they mean a great deal. I guess I would say I have never been less happy to see my side win.

Mr. LEACH. I appreciate that very much. Thank you.

I also want to thank TOM LATHAM. TOM is a wonderful friend, and he has pursued this particular measure for an American citizen that fits all of our definitions of a hero. That is particularly the perspective of all Iowans and I am sure all Americans when we think about Dr. Borlaug's career.

I would only like to make one philosophical contribution to this debate, and that is that Dr. Borlaug has been awarded the Nobel Prize for the green revolution, the notion of pure science being used to expand the production of food crops of various kinds to make it possible for people in the world to have nourishment. But it is the same science that goes into expanding biological crops that allows crops to be used for energy, and so the same science that has produced the green revolution is also producing a black evolution, the idea that food can also be used for petroleum substitutes.

We are today facing a challenge of judgment as well as a challenge of new biology, which Dr. Borlaug is also continuing to work in, that there may not be enough crops that go around for both food and fuel. But, fortunately, it is not exactly an either/or; that is, the same kernels of corn can be used for extracting ethanol as well as producing a food additive for cattle. But we are going to have to continue to develop new techniques to increase yields.

That is what is happening in many great institutions in this country, such as Iowa State University, the University of Missouri, Purdue, Minnesota, et cetera, and we are very proud of that effort.

Dr. Borlaug stands on the shoulders of prior scientists. One from Iowa who

we are also very proud of Henry Wallace, actually is the father of the movement which Dr. Borlaug pursued. It was Henry Wallace's idea to establish a research facility in Mexico in the early 1940s. That idea was brought by the then Vice-President to the Rockefeller Brothers Foundation who then chose Dr. Borlaug to head this research effort.

We in Iowa are naturally proud of the role that Iowa scientists have played. That role has been played with the help, to some degree, of government and, to a greater degree, of private charity. So this is a very American initiative and a very American scientific product that this body is honoring today. And it is honoring the leader of it, a gentleman who began his young life as many noble gentlemen begin, as a wrestler. As a wrestler from Cresco, a great Iowa wrestling town, Dr. Borlaug competed in the scientific arena where he has achieved as great merit as any scientist in this country in the 20th century.

We in Iowa are immensely proud, and I would like to thank TOM LATHAM, the leadership for allowing this bill to come forth, and the bipartisan spirit in which it is brought before us today.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to say that the typically thoughtful intervention by the gentleman from Iowa who often brought to our deliberations more than was there before he did, it is just one reason why I will miss him. And as the gentleman knows, I have previously been an advocate for the country making great use of his services. I am torn now, Mr. Speaker, between expressing my hope that the administration will find a way to use his services for the country, and my fear that my saying so will make that less likely.

Given that dilemma, I guess that is as much as I will say.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. I would recognize the gentleman from Iowa (Mr. KING) for 2 minutes.

Mr. KING of Iowa. I thank the gentlewoman for recognizing me and yielding time to me. And I particularly want to take an opportunity here to thank Congressman JIM LEACH for his years of service to this country and this Congress, and to the thoughtful process that he has brought. There is a legacy left with my friend JIM LEACH here as well as a legacy from Norman Borlaug, and all of us are justifiably proud to be from a State that can produce these kind of people, both JIM LEACH and Norman Borlaug.

I wanted to point out that the work that Norman Borlaug has done to alleviate starvation in the world has put to rest many of the Malthusian arguments that we have heard over the 40 or so years that I have paid attention in the debate and the deliberation in this country: What is the limitation on what we can do to raise food and fiber and energy now for people, not just in

America, but around the world. And I have had the privilege to travel into most of the continents and meet with the people that raise the food and the fiber, and, in our case, the energy in those places. And the fingerprints of Dr. Norman Borlaug are all over this planet, all over this globe, and on the dinner table of everyone with the 6-plus billion people that now inhabit this Earth. We don't know what that limitation might be for the population, but we know it is far greater because of Dr. Norman Borlaug.

Mr. HOBSON. Mr. Speaker, I rise today to ask my colleagues to join me in supporting S. 2250 to pay tribute to Dr. Norman E. Borlaug for his life's work to feed the world's poor.

It is because of Dr. Borlaug's success in developing high-yield and disease resistant cereal grains that billions of the world's poorest people have been fed.

In 1944, Dr. Borlaug's work began when he and his research team were tasked by the Rockefeller Foundation to increase wheat production in Mexico. Through years of cross-breeding thousands of wheat varieties, they were able to develop high-yield dwarf wheat that was resistant to diseases known to cause significant crop damage such as "rust" fungi. As a result, Mexico became self-sufficient in wheat production.

Dr. Borlaug's findings came at a time when dire predictions were being made about the world's population growth and the possibility of mass starvation in poorer parts of the world. But, he continued to build on his findings from his work in Mexico and later worked with researchers in Pakistan and India to give farmers in those countries and regions high-yield dwarf wheat to increase their wheat production. The outreach was successful, and like Mexico, those countries also became self-sufficient in producing wheat.

It is for this work that Dr. Borlaug received the Nobel Peace Prize in 1970. When the board was presenting him with the honor, they made the following statement on his humanitarian contributions: "More than any other single person of this age, [he] has helped to provide bread for a hungry world. We have made this choice in the hope that providing bread will also give the world peace."

In today's world, it is easy to get caught up in our everyday lives and to overlook some of the landmark achievements that have made dramatic improvements in the lives of others. In this case, one individual improved the lives of billions of people by giving them access to life-sustaining nourishment.

Mr. Speaker, Dr. Borlaug's contributions to help relieve the world's poorest of hunger have saved billions of lives, and have inspired a new generation of researchers in agriculture to continue the fight against hunger. It is for these reasons that I ask my colleagues to support this bill to honor Dr. Borlaug with the Congressional Gold Medal.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 2250.

The question was taken; and (two-thirds of those voting having responded

in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5280) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dextromethorphan Distribution Act of 2006".

SEC. 2. FOOD AND DRUG ADMINISTRATION; RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503A the following:

"SEC. 503B. RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

"(a) IN GENERAL.—Not later than one year after the date of the enactment of the Dextromethorphan Distribution Act of 2006, the Secretary shall issue a final rule to prohibit the distribution of unfinished dextromethorphan to any person other than a person registered under section 510, subject to subsection (b).

"(b) FURTHER RESTRICTIONS.—Subsection (a) does not restrict the authority of the Secretary under section 201.122 of title 21, Code of Federal Regulations.

"(c) UNFINISHED DEXTROMETHORPHAN.—For purposes of this section, the term "unfinished dextromethorphan" means dextromethorphan that is not contained in a drug that is in finished dosage form."

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(ii) The distribution of unfinished dextromethorphan in violation of regulations under section 503B."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in favor of H.R. 5280, and I would like to thank Mr. UPTON of Michigan

and Mr. LARSEN of Washington for their work on this important legislation. Dextromethorphan, or DXM as it is sometimes called, is an ingredient found in cough medicine. This ingredient relieves the coughing associated with a cold or the flu. Cough medicines containing this drug are common and can be obtained without a prescription.

While this drug is safe and effective, it is also dangerous if too much is taken. Reports have shown that some segments of the population, particularly young people, will take large amounts of this medicine in an attempt to absorb large amounts of DXM in order to get high. The abuse of this drug can cause death as well as other serious adverse effects such as brain damage, seizures, loss of consciousness, and irregular heartbeat.

The Food and Drug Administration has warned of the rise in the abuse of DXM, and the bill before us here today is an attempt to stem this abuse.

H.R. 5280 would allow the Secretary of Health and Human Services to prohibit the distribution of DXM that is in bulk form to any person not registered with the FDA. It is hoped that these restrictions on the distribution of DXM will lower the potential for its abuse, while at the same time protecting the public health.

Mr. Speaker, I would urge the Members to support this legislation, and I would reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I rise in support of H.R. 5280, the Dextromethorphan Distribution Act of 2006, a bill that would authorize the FDA to restrict the distribution of dex to registered producers of drugs and devices in order to protect the public health.

We know it is cold and flu season, and throughout our Nation pharmacies and convenience store shelves are stocked with over-the-counter medicines containing dex. Dex is an active ingredient in many over-the-counter OTC cough and cold medications. When used as directed, dex has proven to be an effective cough suppressant. Unfortunately, an alarming number of Americans, particularly teenagers, are abusing a variety of prescription over-the-counter OTC medications to get high, including those containing dex. Efforts to keep dex out of the hands of minors have proved difficult. Over-the-counter medicines containing dex are easy to find, easy to afford, and perfectly legal to possess. H.R. 5280 attempts to curb dex's misuse and abuse by restricting its access to registered producers of drugs and devices and providing the FDA with statutory tools to keep dex out of the hands of young people. This legislation is aimed at preventing drug dealers from purchasing dex wholesale and selling over the Internet and on the streets to young people seeking a cheap high.

Mr. Speaker, this bill is merely one step. Parents and guardians must continue the often difficult task of talking with our young people about drug misuse and abuse. Even if your child does

not abuse dex, odds suggest they know someone who does. And I am glad to know that H.R. 5280 has the support of key stakeholder groups, including the American Pharmacist Association, the Partnership for a Drug Free America, the Consumer Health Products Association, and the Association for Addiction Counselors. I want to acknowledge our colleagues, particularly Mr. UPTON and Mr. LARSEN, for their fine work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the author of the legislation, Mr. UPTON.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Thank you, Mr. Speaker, and I thank my chairman, Mr. DEAL, as well. Particularly, I want to thank Chairman BARTON and his staff; I want to thank the Republican leadership and their staff for getting this bill to the floor so quickly. I also want to thank my Democratic cosponsor, Mr. LARSEN, who I know is rushing to the floor to speak, and I know that in his district I am told that he has I think lost five individuals because of this.

Mr. Speaker, H.R. 5280 is a simple bill to ban the Internet sale of a drug called dextromethorphan, also known as DXM.

DXM is an excellent ingredient for a lot of cough syrups that are on the market and when used properly there is no danger. And I know that because I have a company in my district that makes this, and that same company came to me earlier this summer and said, we have a problem that we think you ought to be alerted to. And that is what this bill does.

There are some folks that are out there that are absolutely determined to sell this ingredient in its dry bulk form on the Internet. Sadly, kids are buying it. They are mixing it with alcohol to get high. In a massive dose, the drug can raise the blood pressure, lead to seizure or collapse into a coma and die, as we have seen in Mr. LARSEN's district and other places around the country. In fact, in the last 2 years we know that there have been at least five deaths directly attributed to this abuse.

The companies and the pharmacists that work with this ingredient on a regular basis don't want it to become the next meth. We have worked on that; we don't want another one. And they know that there is absolutely no reason to have this bulk ingredient outside of the regular channels for drug manufacturing. And that is why, as was said by Mr. PALLONE, it is endorsed by the American Pharmacist Association, the Consumer Health Care Products Association, which is the generic drug manufacturers, the Food Marketing Institute, the National Association of Chain Drug Stores, and obviously the Partnership for a Drug Free America.

□ 1115

This bill allows the FDA to promulgate the rule on the sale of unfinished powder or bulk DXM. It limits the distribution of DXM to only those persons who are a valid part of the drug industry.

This bill, I think, will cut off the supply of pure DXM to those who sell it as a street drug or plan to use it to get high themselves. We need to pass this bill.

Sadly, kids are under the false impression that getting high off this is harmless because it is simply an ingredient in cough syrup. Nothing could be further from the truth. Our kids are playing Russian roulette each time they get high on DXM. Sooner or later somebody is going to die. We have seen it happen. Enough is enough. We need to end it.

I am pleased that we have had so many here in just the last 2 days coming into the office. Yesterday local CBS national radio talked about this as a terrible case that is plaguing many parts of America. Today I think it was on the Today show that they talked about this. We are acting quickly. We have recognized the problem and we are acting quickly. We need to pass this bill today and have the Senate adopt it as well.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise in strong support of the Dextromethorphan Destruction Act.

DXM is a major ingredient in many over-the-counter cold medicines and is perfectly safe when used correctly. However, when taken in large amounts in its powdered form, it can cause hallucinations, brain damage, seizures and even death. DXM is not available to the public in its pure powder form but can be obtained.

Unfortunately, as our Nation's kids search for ways to get high, they have begun abusing both cough syrup and pure DXM purchased over the Internet. As the parent of two young boys, I am concerned about the growing number of teens consuming unfinished DXM. According to the Partnership for Drug-Free America, one out of 11 teenagers used cough medicines to get high last year. Substance abuse experts have noticed sporadic reports of teens intentionally obtaining unfinished DXM to get high by consuming large amounts of powder or mixing it with other drugs or alcohol.

In April 2005, two teenagers in my district overdosed on DXM they had purchased online and died. The investigation of their deaths showed that the teenagers had ordered the drug over the Internet from two men in Indiana who had set up shop in their garage. Three other kids from Florida and Virginia also died from overdosing on DXM they had ordered from the same two men.

This is a simple piece of legislation that requires anyone who purchases

bulk DXM to be registered with the FDA. This legislation is commonsense legislation. The only people who should be buying DXM in bulk are those who manufacture cough and cold medicines. We must protect our kids from a new form of drug dealer, dealers, men like these folks in Indiana who decided they could make money by selling DXM to the two teens in my district.

This legislation send a strong message to individuals who are legally distributing DXM to our teenagers for recreational use. I urge my colleagues to vote "yes" for this simple, commonsense legislation that will keep our kids safer.

I also want to thank the gentleman from Michigan (Mr. UPTON) for his work in drafting this bill and making sure that it made it here to the floor today.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5280, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6099) to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

The Clerk read as follows:

H.R. 6099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Child Pain Awareness Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At least by 20 weeks after fertilization, an unborn child has the physical structures necessary to experience pain.

(2) There is substantial evidence that by 20 weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain.

(3) Anesthesia is routinely administered to unborn children who have developed 20 weeks or more after fertilization who undergo prenatal surgery.

(4) There is substantial evidence that the abortion methods most commonly used 20 weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods. Examples of abortion methods used 20 weeks or more after fertilization include, but are not limited to the following:

(A) The dilation and evacuation (D and E) method of abortion is commonly performed in the second trimester of pregnancy. In a dilation and evacuation abortion, the unborn child's body parts are grasped with a long-toothed clamp. The fetal body parts are then torn from the body and pulled out of the vaginal canal. The remaining body parts are grasped and pulled out until only the head remains. The head is then grasped and crushed in order to remove it from the vaginal canal.

(B) Partial-birth abortion is an abortion in which the abortion practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing the delivery of the dead infant, and as further defined in 18 U.S.C. 1531.

(5) Expert testimony confirms that by 20 weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia.

(6) Medical science is capable of reducing such pain through the administration of anesthesia or other pain-reducing drugs directly to the unborn child.

(7) There is a valid Federal Government interest in preventing or reducing the infliction of pain on sentient creatures. Examples of this are laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock, which include, but are not limited to the following:

(A) Section 2 of the Act commonly known as the Humane Slaughter Act of 1958 (Public Law 85-765; 7 U.S.C. 1902) states, "No method of slaughter or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane—

"(i) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

"(ii) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering."

(B) Section 13(a)(3) of the Animal Welfare Act (7 U.S.C. 2143(a)(3)) sets the standards and certification process for the humane handling, care, treatment, and transportation of animals. This includes having standards with respect to animals in research facilities that include requirements—

(i) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

(ii) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal; and

(iii) in any practice which could cause pain to animals—

(I) that a doctor of veterinary medicine is consulted in the planning of such procedures;

(II) for the use of tranquilizers, analgesics, and anesthetics;

(III) for pre-surgical and post-surgical care by laboratory workers, in accordance with established veterinary medical and nursing procedures;

(IV) against the use of paralytics without anesthesia; and

(V) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time.

(C) Section 495 of the Public Health Service Act (42 U.S.C. 289d) directs the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to establish guidelines for research facilities as to the proper care and treatment of animals, including the appropriate use of tranquilizers, analgesics, and other drugs, except that such guidelines may not prescribe methods of research. Entities that conduct biomedical and behavioral research with National Institutes of Health funds must establish animal care committees which must conduct reviews at least semiannually and report to the Director of such Institutes at least annually. If the Director determines that an entity has not been following the guidelines, the Director must give the entity an opportunity to take corrective action, and, if the entity does not, the Director must suspend or revoke the grant or contract involved.

(8) There is a valid Federal Government interest in preventing harm to developing human life at all stages. Examples of this include regulations protecting fetal human subjects from risks of "harm or discomfort" in federally funded biomedical research, 45 C.F.R. 102(i) and 45 C.F.R. 46.201 et seq.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—UNBORN CHILD PAIN AWARENESS

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) ABORTION.—The term 'abortion' means the intentional use or prescription of any instrument, medicine, drug, or any other substance or device or method to terminate the life of an unborn child, or to terminate the pregnancy of a woman known to be pregnant with an intention other than—

"(A) to produce a live birth and preserve the life and health of the child after live birth; or

"(B) to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child.

"(2) ABORTION PROVIDER.—The term 'abortion provider' means any person legally qualified to perform an abortion under applicable Federal and State laws.

"(3) PAIN-CAPABLE UNBORN CHILD.—

"(A) IN GENERAL.—The term 'pain-capable unborn child' means an unborn child who has reached a probable stage of development of 20 weeks or more after fertilization.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as a determination or finding by Congress that pain may not in fact be experienced by an unborn child at stages of development prior to 20 weeks or more after fertilization.

"(4) PROBABLE AGE OF DEVELOPMENT.—The term 'probable age of development' means the duration of development after fertilization of the unborn child at the time an abortion is performed, as determined in the good faith judgment of the abortion provider using generally accepted medical criteria and information obtained by interviewing the pregnant woman.

"(5) UNBORN CHILD.—The term 'unborn child' means a member of the species homo sapiens, at any stage of development.

"(6) WOMAN.—The term 'woman' means a female human being whether or not she has reached the age of majority.

"(7) UNEMANCIPATED MINOR.—The term 'unemancipated minor' means an individual who is not older than 18 years and who is not emancipated under State law.

"SEC. 2902. REQUIREMENT OF INFORMED CONSENT.

"(a) REQUIREMENT OF COMPLIANCE BY PROVIDERS.—Any abortion provider in or affecting interstate or foreign commerce, who knowingly performs any abortion of a pain-capable unborn child, shall comply with the requirements of this title.

"(b) PROVISION OF CONSENT.—

"(1) IN GENERAL.—Before any part of an abortion involving a pain-capable unborn child begins, the abortion provider or his or her agent shall provide the pregnant woman involved, by telephone or in person, with the information described in paragraph (2). It may not be provided by a tape recording, but must be provided in a fashion that permits the woman to ask questions of and receive answers from the abortion provider or his agent. (In the case of the Unborn Child Pain Awareness Brochure, it may be provided pursuant to subsection (c)(2) or (c)(3)).

"(2) REQUIRED INFORMATION.—

"(A) IN GENERAL.—An abortion provider or the provider's agent to whom paragraph (1) applies shall provide the following information to the pregnant woman (or in the case of a deaf or non-English speaking woman, provide the statement in a manner that she can easily understand):

"(i) AGE OF UNBORN BABY.—The probable age of development of the unborn baby based on the number of weeks since fertilization.

"(ii) UNBORN CHILD PAIN AWARENESS BROCHURE.—An abortion provider to whom paragraph (1) applies must provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the 'Brochure') to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

"(iii) USE OF PAIN-PREVENTING DRUGS.—Drugs administered to the mother may not prevent the unborn child from feeling pain, but in some cases, anesthesia or other pain-reducing drug or drugs can be administered directly to the unborn child.

"(iv) DESCRIPTION OF RISKS.—After providing the information required under clauses (i), (ii), and (iii) the abortion provider shall provide the woman involved with his or her best medical judgment on the risks, if any, of administering such anesthesia or analgesic, and the costs associated therewith.

"(v) ADMINISTRATION OF ANESTHESIA.—If the abortion provider is not qualified or willing to administer the anesthesia or other pain-reducing drug to an unborn child in response to a request from a pregnant woman, the provider shall—

"(I) arrange for a qualified specialist to administer such anesthesia or drug; or

"(II) advise the pregnant woman—

"(aa) where she may obtain such anesthesia or other pain reducing drugs for the unborn child in the course of an abortion; or

"(bb) that the abortion provider is unable to perform the abortion if the woman requires that she receive anesthesia or other pain-reducing drug for her unborn child.

"(vi) UNBORN CHILD PAIN AWARENESS DECISION FORM.—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

“(vii) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to impede an abortion provider or the abortion provider's agent from offering their own evaluation on the capacity of the unborn child to experience pain, the advisability of administering pain-reducing drugs to the unborn child, or any other matter, as long as such provider or agent provides the required information, obtains the woman's signature on the decision form, and otherwise complies with the affirmative requirements of the law.

“(B) **UNBORN CHILD PAIN AWARENESS BROCHURE.**—An abortion provider to whom paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the ‘Brochure’) to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

“(C) **UNBORN CHILD PAIN AWARENESS DECISION FORM.**—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

“(c) **UNBORN CHILD PAIN AWARENESS BROCHURE.**—

“(1) **DEVELOPMENT.**—Not later than 90 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Brochure. Such Brochure shall:

“(A) Be written in English and Spanish.

“(B) Contain the following text: ‘Your doctor has determined that, in his or her best medical judgment, your unborn child is at least 20 weeks old. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.’

“(C) Contain greater detail on her option of having a pain-reducing drug or drugs administered to the unborn child to reduce the experience of pain by the unborn child during the abortion.

“(D) Be written in an objective and nonjudgmental manner and be printed in a typeface large enough to be clearly legible.

“(E) Be made available by the Secretary at no cost to any abortion provider.

“(2) **INTERNET INFORMATION.**—The Brochure under this section shall be available on the Internet website of the Department of Health and Human Services at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on the website shall be a minimum of 200x300 pixels. All letters on the website shall be a minimum of 12 point font. All such information and pictures shall be accessible with an industry standard browser, requiring no additional plug-ins.

“(3) **PRESENTATION OF BROCHURE.**—An abortion provider or his or her agent must provide a pregnant woman with the Brochure, developed under paragraph (1), before any part of an abortion of a pain-capable child begins. The brochure may be provided—

“(A) through an in-person visit by the pregnant woman;

“(B) through an e-mail attachment, from the abortion provider or his or her agent; or

“(C) by certified mail, mailed to the woman at least 72 hours before any part of the abortion begins.

“(4) **WAIVER.**—After the abortion provider or his or her agent offers to provide a pregnant woman the brochure, a pregnant woman may waive receipt of the brochure under this subsection by signing the waiver form contained in the Unborn Child Pain Awareness Decision Form.

“(d) **UNBORN CHILD PAIN AWARENESS DECISION FORM.**—Not later than 30 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Decision Form. To be valid, such form shall—

“(1) with respect to the pregnant woman—

“(A) contain a statement that affirms that the woman has received or been offered all of the information required in subsection (b);

“(B) affirm that the woman has read the following statement: ‘You are considering having an abortion of an unborn child who will have developed, at the time of the abortion, approximately _____ weeks after fertilization. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.’

“(C) require the woman to explicitly either request or refuse the administration of pain-reducing drugs to the unborn child; and

“(D) be signed by a pregnant woman prior to the performance of an abortion involving a pain-capable unborn child; and

“(2) with respect to the abortion provider—

“(A) contain a statement that the provider has provided the woman with all of the information required under subsection (b);

“(B) if applicable, contain a certification by the provider that an exception described in section 2903 applies and the detailed reasons for such certification; and

“(C) be signed by the provider prior to the performance of the abortion procedure.

“(e) **MAINTENANCE OF RECORDS.**—The Secretary shall promulgate regulations relating to the period of time during which copies of forms under subsection (d) shall be maintained by abortion providers.

“SEC. 2903. EXCEPTION FOR MEDICAL EMERGENCIES.

“(a) **IN GENERAL.**—The provisions of section 2902 shall not apply to an abortion provider in the case of a medical emergency.

“(b) **MEDICAL EMERGENCY DEFINED.**—

“(1) **IN GENERAL.**—In subsection (a), the term ‘medical emergency’ means a condition which, in the reasonable medical judgment of the abortion provider, so complicates the medical condition of the pregnant woman so as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay would create a serious risk of substantial and irreversible impairment of a major bodily function. The term ‘medical emergency’ shall not include emotional, psychological or mental disorders or conditions.

“(2) **REASONABLE MEDICAL JUDGMENT.**—In paragraph (1), the term ‘reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

“(c) **CERTIFICATION.**—

“(1) **IN GENERAL.**—Upon a determination by an abortion provider under subsection (a) that a medical emergency exists with respect to a pregnant woman, such provider shall certify the specific medical conditions that constitute the emergency.

“(2) **FALSE STATEMENTS.**—An abortion provider who willfully falsifies a certification under paragraph (1) shall be subject to all the penalties provided for under section 2904 for failure to comply with this title.

“SEC. 2904. PENALTIES FOR FAILURE TO COMPLY.

“(a) **IN GENERAL.**—An abortion provider who willfully fails to comply with the provisions of this title shall be subject to civil penalties in accordance with this section in an appropriate Federal court.

“(b) **COMMENCEMENT OF ACTION.**—The Attorney General may commence a civil action under this section.

“(c) **FIRST OFFENSE.**—Upon a finding by a court that a respondent in an action commenced under this section has knowingly violated a provision of this title, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed \$100,000.

“(d) **SECOND AND SUBSEQUENT OFFENSES.**—Upon a finding by a court that the respondent in an action commenced under this section has knowingly violated a provision of this title and the respondent has been found to have knowingly violated a provision of this title on a prior occasion, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed \$250,000.

“(e) **PRIVATE RIGHT OF ACTION.**—A pregnant woman upon whom an abortion has been performed in violation of this title, or the parent or legal guardian of such a woman if she is an unemancipated minor, may commence a civil action against the abortion provider for any knowing or reckless violation of this title for actual and punitive damages.”

SEC. 4. PREEMPTION.

Nothing in this Act or the amendments made by this Act shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect greater protections for unborn children from pain than the protections provided under this Act and the amendments made by this Act.

SEC. 5. SEVERABILITY.

The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman

from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6099, the Unborn Child Pain Awareness Act of 2006.

This legislation is intended to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child. It also ensures that women will have the chance to ask questions; and, if they so choose, request that pain-reducing medicines, anesthesia, or analgesia be administered to their unborn child before the abortion takes place.

At the outset, it is important to clarify that this legislation is not about the right to have an abortion. While citizens in other parts of the world, such as in Europe and in Canada, have the opportunity to vote and express their views on the issue of whether or not abortion should be legal, the United States is the only industrialized country in the world where its citizens do not have that right. The United States Supreme Court has effectively taken it away from the American people through its decisions.

As someone who believes in the sanctity of human life, I look forward to a day when the American citizens on both sides of the abortion debate can decide the issue democratically rather than having it decided for them through judicial activism. I trust the American people to make the right decision when that day comes.

But, Mr. Speaker, today rather than dealing with the legality of abortion itself, this legislation deals with the issue of informed consent for women choosing to have an abortion. The bill requires abortion providers to inform women about the pain experienced by their unborn child. It also requires women to be given a brochure and a consent form demonstrating that they have had an opportunity to make an informed decision on whether or not to administer pain mitigation to the unborn child before the abortion is performed.

A significant body of medical evidence now indicates that fetuses experience pain. Dr. Sunny Anand, a neurologist and the Nation's leading expert on fetal pain, testified that "the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more in-

tense than that experienced by term newborns or other children."

Since Dr. Anand's groundbreaking research published in 1987 showed that by 20 weeks these fetuses can feel pain, other researchers have built on his work, further verifying the pain felt by the unborn. For example, just this year British researchers performed brain scans on premature babies as young as 23 weeks from fertilization and found new physiological evidence that these premature infants feel pain.

But perhaps more important than the scientific studies, we know that doctors who perform surgery on babies in the womb, as well as babies who are born prematurely, some as early as 23 weeks of gestation, routinely administer anesthesia to these children, just like an adult who is undergoing surgery.

As Dr. Jean Wright, a physician in Savannah, Georgia, who specializes in the care and anesthesia of critically ill children, testified before Congress last year, "If you came back with me to Savannah tonight and came to our neonatal intensive care unit, we would stand between the bed of a 23-week infant, a 26-week infant, and you would not need a congressional hearing to figure out whether that infant feels pain. We roll back the sheets or blanket, and you would look to the facial expression, their response to the heel stick, you would understand that."

As I have stated before, the problem that this legislation seeks to address is the issue of informed consent for women seeking abortions. Like most of us, women who arrive at clinics seeking abortions are usually not trained in the medical sciences. We rely on physicians to provide all of the information needed to make an informed decision.

In the case of abortion, we need to make sure that women know all the facts, including the evidence that unborn children feel pain. This is obviously for the benefit of the unborn child who may either be spared from abortion altogether or receive pain-reducing medicines.

Truly informed consent also benefits the woman who may decide against having an abortion, or may decide to use pain mitigation for the unborn child during the abortion procedure. Either way, she will be spared the severe psychological trauma that may result from making an uninformed decision.

This legislation is a commonsense measure that both pro-life and pro-choice Members should support. In fact, NARAL, a large pro-abortion organization, has publicly declared that they do not oppose the bill.

At this time, I would like to thank the lead sponsor of the bill, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation and for being a stalwart in the pro-life cause in Congress. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 6099, the Unborn Child Pain Awareness Act of 2006. This bill mandates that a woman seeking an abortion after 20 weeks of pregnancy be given a written brochure stating that research indicates that a fetus at that stage of development will feel pain during an abortion.

This bill also requires a doctor to offer the woman anesthesia for the fetus which she may either accept or decline.

Mr. Speaker, the problem with this legislation is that the medical and scientific community has yet to reach a consensus with regard to the issue of when and if a fetus feels pain. In fact, the American College of Obstetricians and Gynecologists, along with physicians who are experts in fetal anesthesia and fetal surgery, know of no legitimate scientific data or information that supports these views. Despite this, Congress has decided to play politics with women's health.

This legislation may put women at risk. There is no evidence to show the effects on a woman by providing anesthesia directly to a fetus during an abortion. Without proper medical studies, we have no way of knowing how such procedures will affect a woman's health at the time of the abortion or in the future.

Mr. Speaker, supporters of this bill will argue that it includes an assurance that doctors who disagree with materials contained within these mandated brochures may offer their own views to patients. But what good comes from a doctor handing their patient a brochure and then conveying opposition to what is inside it? Instead of helping patients, Congress is interfering with a doctor's best medical judgment as well as the doctor-patient relationship.

Mr. Speaker, clearly written in this case by anti-choice advocates, these brochures are biased and define an abortion as "the process of being killed." Normally I would support legislation which aims to offer women as much information as possible with respect to their medical decisions. Ensuring that patients have access to all of the important and relevant medical information should always be a priority for Congress, but this bill plays politics with those goals. Instead, it provides mandated, misleading information to women without proper scientific knowledge.

I urge my colleagues to vote against this bill. I think it is ill-advised. I think it sets a bad precedent for the type of information that is provided to patients. There is absolutely no reason why this should be mandated.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the author of this legislation, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, most, perhaps everybody in

this House today, has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident, or perhaps even an act of violence.

One of the questions we often ask is, Did they suffer? How much pain did they endure? Did we do everything we can to alleviate their pain?

Today, we can no longer deny, trivialize or gloss over the significant and ever-expanding body of knowledge that shows that an unborn child suffers real pain, excruciating pain, when he or she is dismembered, as in a D&E abortion, or jabbed with scissors as in a partial-birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children, but we now know that the abortion act itself is painful to the baby as well. As the gentleman from Georgia pointed out a moment ago, Dr. Sunny Anand, an expert on pain for the unborn and the neonates, has pointed out that human fetuses possess the ability to experience pain from 20 weeks of gestation, if not earlier, and there is a whole growing body of evidence that clearly demonstrates that. Meanwhile, approximately 18,000 unborn children at 20 weeks or beyond, are destroyed without even the basic decency of pain relief.

Let me describe to you what one of the abortionists who now has turned pro-life, says about the D and E abortion procedure. He did about 10 abortions per week, Dr. Anthony Levatino, from New York, here is how he described this D&E method of abortion. These are his words, he did them: "Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard, really hard. You feel something let go and out pops a fully formed leg about 4-5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length.

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Reach in again and again with that clamp and tear out the spine, intestines, heart, and lungs. The toughest part of a D&E abortion is extracting the baby's head. "The head of the baby that age is about the size of a plum," he goes on to say, "and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it when the Sopher clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a pure white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day," he goes on to say, "like I often did, a little face may come out and stare right back at you."

Mr. Speaker, this is a hideous, barbaric abuse of children. And, yes, sadly we are not stopping it with this legislation. I wish we had the ability to protect these children from this kind of

child abuse. We need to affirm both patients, mother and baby. That is what prenatal care is all about. Our legislation is simply informed consent, requiring that a brochure, not unlike those booklets given to women in many States of the union that describe the growth of an unborn child and any problems she may experience, be given to her since she has the right to know this very important information.

Abortion methods kill, Mr. Speaker, and we need to at least allow that child pain medication information be conveyed to the mother.

Most—perhaps everyone in the House today—has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident or perhaps even an act of violence.

One of the questions we often ask is how much did they suffer? How much pain? Did we do everything possible to alleviate that pain?

Today, we can no longer deny, trivialize, or gloss over the significant and ever expanding body of knowledge that shows that an unborn child suffers real pain—excruciating pain—when he or she is dismembered as in a D & E abortion, or jabbed with scissors in a partial birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children but we now know that abortion is painful to the baby as well.

In expert testimony provided to the Northern District of the US District Court in California during the partial birth abortion trials, Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital Research Institute said, "the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborn's or older children."

In testimony before the Virginia State Senate, Dr. Jean Wright of Emory University School of Medicine said "Aspects of pain architecture begin as early as six to seven weeks, mature and are identified by their anatomy, their physiology, and the coordination of responses so that by 20-22 weeks of gestation, the evidence reveals a developed system of pain perception and response. . . . The ability to modulate or blunt the pain response does not develop until the last weeks of pregnancy and the first few weeks of infancy, leading us to believe that the pain perceived in the fetus is greater than that in the full-term infant.

Dr. Anand further describes before the court that the "highest density of pain receptors per square inch of skin in human development occurs in utero," while still in the womb, "from 20 to 30 weeks gestation. During this period, the epidermis is still very thin, leaving nerve fibers closer to the surface of the skin than in older neonates and adults."

He went on to explain that the pain inhibitory mechanisms, in other words fibers which dampen and modulate the experience of pain, do not begin to develop until 32 to 34 weeks of gestation. Thus, Dr. Anand concludes, a fetus 20 to 32 weeks of gestation would experience a much more intense pain than older infants or children or adults when these groups are subjected to similar types of injury.

Dr. Anand points out on the question of fetal consciousness that more than 3 decades of

research show that preterm infants are actively perceiving, learning and organizing information, and are constantly striving to regulate themselves, their environment and their experiences. All preterm infants actively approach and favor experiences that are developmentally supporting and actively avoiding experiences that are disruptive.

Additionally a recent British study measured blood flow and oxygen in the part of the brain that feels pain while blood was drawn during a heel lance. The results showed a surge of blood and oxygen in the sensory area of their brains, meaning the pain was processed in the higher levels of the brain. Indicating that these little boys and girls do feel pain.

Meanwhile approximately 18,000 unborn children at 20 weeks or beyond are destroyed without the basic decency of pain relief. That means that twice every hour a baby is destroyed without pain alleviation by methods that include the D and E abortion.

The Unborn Child Pain Awareness Act is a modest but necessary expansion of informed consent.

To date several states have enacted informed consent laws that convey in booklet form to the mother the facts concerning development of an unborn baby as well as risks associated with abortions.

Our bipartisan legislation simply ensures that new information concerning pain capable in unborn babies be conveyed as well.

Under HR 6099, a woman considering an abortion at or past 20 weeks fertilization must simply be given an HHS produced brochure describing the most accurate and up to date information on unborn child pain. After that, the mother is given a decision form on which she may either request or decline pain relieving drugs for her baby prior to the abortion.

Is it our hope that this additional information may dissuade a woman from allowing her child to be killed? Absolutely.

I—we—believe good medicine should affirm the value, and dignity of every human life. We need to affirm both patients—mother and child.

For the child dismembered by hideous and abusive abortion methods like the D & E abortion that happen every day—the little girl or boy at least shouldn't be made to suffer.

Here's how Dr. Anthony Levatino, a former abortionist describes the painful D & E abortion.

"Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard—really hard. You feel something let go and out pops a fully formed leg about 4-5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length. Reach in again and again with that clamp and tear out the spine, intestines, heart and lungs. . . . The toughest part of a D&E abortion is extracting the baby's head. The head of the baby that age is about the size of a plum and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it if the [Sopher] clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a puer white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day like I often did, a little face may come out and stare back at you."

Mr. PALLONE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in opposition to H.R. 6099 for many reasons.

Most glaringly is the fact that this bill is even up on the floor to begin with. We have not passed our spending bills. We have not fixed the looming physician fee reimbursement crisis, physicians who treat pain every day. We have not increased the minimum wage. We are inflicting pain on so many hardworking Americans. We have not adequately provided for our veterans' health care. I am thinking of veterans coming back from Iraq with relentless pain and the many unmet needs. These are issues that affect millions and millions of Americans every day.

Yet instead we are considering H.R. 6099, which may affect about 1 percent of the abortions performed annually in the United States and which we know will not be considered in the Senate and therefore never signed into law. We are wasting time today on a bill that is laden with rhetoric but very little science. It is opposed by many of the most reputable advocates for women's health, those on the front line of service to women and babies who would best know. This includes, as my colleague has said, the American College of Obstetricians and Gynecologists, who represent medical doctors serving the health needs of American women.

The legislation before us today proposes to insert narrow personal views into the private conversations between women and their doctors. As a health provider myself, I would shudder at the thought of having to communicate something that is absent of scientific consensus to patients. This is especially true when the legislation targets pregnancies that are for the most part being terminated because of health risks to the mother or fetus. Isn't that conversation already excruciating enough for a woman and her family without the government's unwarranted intrusion?

I urge my colleagues to vote "no" today on this bill both because you believe in medical integrity and also because you believe that it is our job to put America's true priorities first and foremost.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1¼ minutes to my colleague from Georgia, a physician, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my colleague, Chairman DEAL from Georgia, for yielding.

This slow-talking Georgia physician can't say a whole lot in a minute, but I hope my words will strike a nerve.

Just as the author's poster showed the striking of many nerves in this procedure called late-term abortion on these infants, the youngest of our children, I want to just relay to my colleagues an experience, a life-changing

experience, if you will. We have twin granddaughters, identical twin granddaughters, born at 26 weeks. They will be soon celebrating their 10th birthday. So we watched them for 80 days in the neonatal intensive care nursery, and the neonatologist would come by every day and say we are not going to stick their heel again today because it is too painful and we are going to make sure that we only draw blood when it is absolutely necessary. And I, as a physician, having delivered many of these premature, immature male infants, offer anesthesia before a circumcision procedure. It is required as part of an informed consent. So this is what this bill is about. It is informed consent carried to its logical extent, and it is an act of compassion.

I commend the gentleman for the bill because this is simply trying to make sure that the informed consent is there. And even the National Abortion Rights League does not oppose this bill, and I commend them for that.

I support wholeheartedly the legislation, and I commend Representative SMITH for this bill.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker and my colleagues, this bill represents the triumph of ideology and politics over science. The Congress of the United States is going to tell doctors to give a brochure with information that scientists do not believe is accurate. The American College of Obstetricians and Gynecologists opposes this bill, and this is the professional society of physicians who know the most about the care of pregnant women, and they have stated they know of no legitimate scientific information that supports the statement that a fetus experiences pain. Well, let me repeat that. This organization says they know of no legitimate scientific information that supports the statement that a fetus experiences pain. So the Congress in this bill would tell doctors that they have to inform a woman of something that most of these doctors do not believe to be scientifically accurate. It is bad enough to interfere with the doctor-patient relationship, but to tell doctors that they have to give their patients inaccurate medical information would not just be meddlesome. It is completely out of line. It would be a dangerous precedent where we ask doctors to tell patients something that is scientifically not valid in the most personal of decisions of people's lives.

If we really care about women's informed consent, we should not force doctors to misinform them.

I urge opposition to this bill. I regret that we have a scientific matter just as we did in other cases like the right to life case in Florida where the Congress wants to tell people what to do, not just the women but their doctors, and this is an example of ideology and politics, not good science informing our decisions. I urge strong opposition to the bill.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, recent advances in ultrasound technology have shown that unborn babies have the ability to recognize and respond to positive and negative stimuli. In fact, researchers, scientists now know that unborn children smile and cry. For years doctors have thought that babies learn to smile from mimicking their parents. However, researchers now know that an unborn child can be seen smiling in the womb months before it was thought babies could make such expressions.

One of the London-based researchers, Dr. Stuart Campbell, said: "It is remarkable that a newborn baby does not smile for about 6 weeks after birth. Before birth most babies smile frequently. This may indicate a baby's calm, trouble-free existence in the womb, and the relatively traumatic first few weeks after the birth when the baby is reacting to a strange, new environment."

Another group of researchers in New Zealand were testing the effects of maternal smoking and drug use on unborn children. The co-author of the study, Dr. Edward Mitchell of the University in Auckland, stated that the research shows the baby has the necessary sensory and brain development to process the offending sound and recognize it as something negative.

Researchers observed deep inhalations and exhalations, open mouth, quivering chin, with the low decibel noise on the abdomen. There were many experiments that were done, but if unborn children can recognize positive and negative stimuli in utero, imagine the excruciating pain that must be felt during abortions.

I urge you to support the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to point out that this bill is on the Suspension Calendar, which is normally reserved for bills that are of an uncontroversial nature, and it is clear just from the statements that have already been made on our side of the aisle that this is a very controversial bill. There are a lot of feelings back and forth on the issue within the medical community, as has been explained by Mrs. CAPPS and Mr. WAXMAN. There is a huge controversy over whether there is a need for this information and whether or not the type of pain that is described actually exists. So I would contend that it really does not belong on the Suspension Calendar, and that is the main reason, I think, why I would urge Members to vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to another physician, Dr. WELDON of Florida.

Mr. WELDON of Florida. Mr. Speaker, I thank my colleague from Georgia for yielding.

I rise to speak in support of this legislation and just raise the point, based on my review of the medical literature as a physician and these are very well published reports, there is abundant evidence that the neuropathways that generate pain responses are present at 20 or 22 weeks, possibly well before that. Indeed, one of the most well respected researchers in this field who is trained in anesthesia and pediatrics, Dr. Kanwaljeet Anand, testified that human fetuses possess the ability to experience pain from 20 weeks of gestation.

I might also add that the new emerging field of fetal surgery, where we are actually repairing spina bifida, for example, in unborn babies as young as 16 weeks of age, there is actually a textbook about how you deliver anesthesia to these babies, and it is recommended and it is necessary to prevent movement because they experience pain.

Now, the other side may quote from a very bad study published in JAMA. It was basically published by the abortion industry. To me it was a disgrace to the Journal of JAMA that they would actually let something like that be published trying to make the contrary claim.

But I think the scientific evidence is overwhelming and this legislation is very, very badly needed. And I applaud the gentleman from New Jersey for introducing this bill and the gentleman from Georgia for bringing it forward, and I encourage all my colleagues to vote in favor of this important legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding.

As always, I consider it a privilege to address this body and address you, Mr. Speaker. Especially I consider it a privilege to address you, Mr. Speaker.

I come to the floor to stand in support of the Unborn Child Pain Awareness Act. It is a bit of bizarre debate from my perspective. I believe the debate should be on what instant life begins rather than how we might kill an unborn baby and especially on how we would avoid perhaps inflicting pain on an unborn baby that is about to be killed, and I am talking about 20 to 22 weeks and beyond.

We have a law in this country called the Humane Slaughter Act, which says that an animal cannot be slaughtered unless it is rendered unconscious in a rather painless way. We also have a law called the Animal Welfare Act, which gives the Secretary of Agriculture authority to regulate how laboratory animals might be euthanized in a compassionate, humane fashion. And we can't raise up an unborn baby to this level?

It is astonishing to me that we are here and that there are people that oppose this bill. It is high time it has been brought to the floor. It is a baby step, if you will, Mr. Speaker. And I applaud the gentleman from New Jersey for being the lead on the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding and I thank CHRIS SMITH for his leadership on many pro-life issues and this one specifically.

□ 1145

I would urge my colleagues to support this legislation. I would like to quote Ronald Reagan, who stated, "Medical science doctors confirm that when the lives of the unborn are snuffed out they often feel pain, pain that is long and agonizing."

The topic of pain in the unborn, including whether or how early and to what extent an unborn baby feels that pain, ignites heated debate. Yet 77 percent of individuals who were surveyed not too long ago by Zogby indicated that they favored this type of legislation, that mothers ought to be aware of the pain that their unborn infants can suffer through one of these terrible procedures. And as chairman of the Subcommittee on the Constitution, we held hearings on this. And I would state unequivocally that I believe that this legislation is constitutional, and I would urge my colleagues to support it.

As Mr. KING mentioned, we have laws about slaughtering cattle in this country. We are talking about unborn children. Let's protect them. Let's let the mothers know the pain that these unborn children could go through.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, in response to the previous speaker, I think the point should be made that right now, under the current law, there's nothing to prevent a physician from advising a woman their opinion in the manner of pain that might be inflicted on the fetus. The problem is that legislation is imposing a mandate, a mandate that is based on evidence that simply is not scientifically proven. And that is why we have various medical organizations, most notably of course, the American College of Obstetricians and Gynecologists, and these are the people that are experts on anesthesia. And they say again, I quote, "that there is no legitimate scientific data or information that supports the view this legislation purports with regard to the pain of the fetus."

And that is the problem here. This is a mandate, Mr. Speaker, and I think it is a mistake to mandate that this be done when the science is not clear. And again, this is a bill on the Suspension Calendar. I would urge my colleagues to vote against it. We don't know what the true science is.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, my colleague, my Democrat colleague, on the other side of the aisle there is making reference, I believe, to a study that was done. The lead author of that was Susan Lee, who is a lawyer for NARAL. That is not exactly a credible witness.

And what we have on the other side of the argument, you have Dr. Myers and Dr. Bulich. They are authors of the textbook "Anesthesia for Fetal Intervention and Surgery." They are professors at Harvard Medical School. And what they are explaining is that as we do these different routine operations to little children, before they are born, what we are doing is we are administering anesthesia because we understand that they feel pain. This is common practice in the medical community. And I am really amazed that anybody would be opposed to the idea of simply giving a mother a choice, a choice as to whether to administer anesthesia to her child. I mean, I hear these people. They say they are pro-choice, and here is something that is choice, you can administer anesthesia; oh, no, we are against that. You might impose on giving them this opportunity to administer anesthesia. I can't understand why anybody could oppose it.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, a great man once said that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

Because they are hidden, both in the dawn and in the shadows of life, we kill 400 late-term unborn children every day in America using methods that cause such agonizing pain to the child that it would be illegal under Federal law if it was done to an animal.

This bill would call upon abortionists to offer an anesthetic to assuage this agony to these children. Mr. Speaker, if we, as a human family in America, cannot find that much humanity within ourselves, if this human rights atrocity of dismembering our own children alive is truly who we are, then the patriot's dream is lost, Mr. Speaker. Those lying out in Arlington National Cemetery have died in vain, and twilight has fallen upon all of us.

I urge my colleagues to pass this legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of H.R. 6099, The Unborn Child Pain Awareness Act introduced by my colleague, Congressman CHRIS SMITH.

This pro-information legislation ensures that women seeking an abortion are fully informed of the pain experienced by their unborn child at 20 weeks after fertilization.

In addition, the bill gives a woman the opportunity to request pain medication for her child during the abortion procedure.

Mr. Speaker, administering pain medication to an unborn child at 20 weeks of development is not a novel concept. Unborn children undergoing surgery in a mother's womb are given an anesthetic directly, and premature babies of the same age are given pain relieving drugs during medical operations.

At a minimum, a woman should be given the opportunity to request the same pain-easing medication for her unborn child.

It is time for us to do the right thing and arm women with all of the facts on abortion. I urge my colleagues to support this commonsense legislation.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I just wanted to read the text of this brochure. As I have said before, the problem with this legislation is it is a mandate, a mandate that the woman receive this brochure. And then it mandates in the legislation what the brochure should consist of. And I won't read the whole text, but let me just read part of it. It says, "There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain."

And then it goes on to say, "You may request that anesthesia or other pain-reducing drugs or drugs are administered directly to the pain-capable unborn child if you so desire."

And then, "In some cases, there may be some additional risk to you associated with administering such a drug."

Now, you know, it is clear here that even the authors of this are not saying that this is definitive, only that there is a significant body of evidence that there may be pain experienced. And, it is also clear that the authors of the legislation understand that there may be some additional risk associated to the woman in administering such a drug. So again, this is, to think that you are going to mandate this in a brochure, when the scientific evidence of the impact on the fetus is not clear, and when there is the possibility, a real one, it is mentioned in here, that there may be additional risk to the woman, I think is just really the wrong thing to do to have this as a mandate that something has to be done.

And again, we are putting it on the Suspension Calendar, which is supposedly for noncontroversial measures. And again, I would urge my colleagues, we should not be putting this on the

Suspension Calendar. We should not be mandating something that is not clear and where there may actually be additional risk to the woman herself. I think it is simply a mistake.

I would urge my colleagues to vote against this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, it is imperative we take appropriate measures to inform every woman who is seeking an abortion of the development of the unborn child to feel pain in her womb at least 20 weeks after fertilization. We have taken action to ensure that the pain of livestock and laboratory animals is reduced and prevented, yet when it comes to the unborn child we hesitate.

Every day unborn children have pain inflicted upon them, such as poisoning and even dismemberment, when a woman chooses to abort. All of this is without pain medicine. Studies show that fetuses respond to touch by 8 weeks' gestation, and respond to sound by 20 weeks. If an unborn child can recognize the positive and negative stimuli in the womb, I can't imagine the excruciating pain that must be felt during an abortion.

Today women are not fully informed of the extremely painful death their child will endure during an abortion. At minimum, we must act to ensure that abortion providers are legally obligated to inform every woman about her right to request pain-reducing medicine for her baby.

Life is a gift from God and should be respected. I hope my colleagues will join me in recognizing the pain unborn children experience during abortion by supporting this bill.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. SEKULA GIBBS), who is the third physician to speak on this issue in favor of the legislation.

Ms. SEKULA GIBBS. Mr. Speaker, I rise today to support the Unborn Child Pain Awareness Act. This bill is designed to provide information to women who are seeking late-term abortions.

As a physician who believes in the sanctity of life, I would rather be voting to ban abortions that are late term, but this bill is a step in the right direction.

And also, as a physician who has practiced for over 20 years, I support informed consent, and this is really what the bill is about. It is about giving women the information that their unborn fetus can experience pain. And the growing body of evidence suggests strongly, and this body of evidence is growing and has grown from the time I have been in medical school till now,

that supports that fetuses do feel pain. And it gives women the option, the same kind of option that we have whenever our tooth is going to be extracted. Do you want anesthesia for that? The same kind of option whenever you have a skin biopsy. Do you want anesthesia for that? So it is an informed opportunity for the woman to make this decision. And if anesthesia is now routinely given to women when their fetus is undergoing surgery, it is appropriate to allow them the same choices now.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Again, in response to the previous speaker, and I respect her opinion, but there is nothing under the current law that doesn't allow a woman to have the option of anesthesia in the manner in which the gentlewoman describes. The problem here is that we are mandating that they be given a brochure that provides information that is not scientifically proven. We are not in any way, neither would I suggest, that any woman not be able to opt for that kind of anesthesia. But the issue here is whether we should be mandating that they be given a brochure that is not at all clear, from a scientific point of view, as to whether or not that pain is going to be felt and what the impact might be on the woman herself. I just think that what the proponents of this bill are suggesting is a mandate for something that is unclear. And that is the wrong thing to do in this circumstance. I think it creates a lot of confusion on the part of women who are in that position, and it should simply be left up to the doctor.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I would say to Mr. PALLONE that I am prepared to yield the remaining time to Mr. SMITH who will conclude the debate on our side, if he has no other speakers.

Mr. PALLONE. Mr. Speaker, if I could just ask to make a minute closing remark myself, and then I will yield back the time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to say again, and again I respect my colleagues, particularly my colleague from New Jersey, who I know truly believes in this issue and has spent a great deal of time on the issue throughout his career, but I really think that in this case, that we are making a huge mistake.

First of all, this is on the Suspension Calendar. It should not be. This is a very controversial issue. It is still a huge controversy in the scientific community, and for us to mandate that every woman in this situation has to get what may be, in fact, misinformation, I think is wrong. And so I would urge my colleagues to vote this bill down, that it not be on the Suspension Calendar.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield the balance of the time to Mr. SMITH from New Jersey.

□ 1200

Mr. SMITH of New Jersey. The Unborn Pain Child Awareness Act is a modest but necessary expansion of informed consent. Let me remind my colleagues that in State after State throughout the country these booklets like the one in my hand that describe fetal development are given to the woman prior to an abortion. These kinds of informed consent booklets have been vigorously opposed by the abortion lobby, and we know for a fact from former as well as current-day abortionists do not discuss the baby's pain. They rarely will talk about anything that is even remotely connected with the humanity of the unborn child. It is just not part of what they convey to the woman.

Let me also point out to my colleagues that the 2005 JAMA article that is being pushed by members and the press has been part of a slick disinformation campaign and is true junk science. The authors of that study failed to point out that their conflict of interest. Susan Lee is a medical student who was previously employed as a lawyer for NARAL, and Eleanor Drey, runs the largest abortion clinic in San Francisco, where they do 600 D and E or late-term abortions every year, those hideous abortions where the baby is dismembered and she has been a very strong advocate of partial birth abortion. Eleanor Drey too did not disclose as one of the authors of that study her affiliation. Talk about conflict of interest, and the study is riddled with holes.

Finally, what the legislation does, and let us be clear, it just requires the informed consent brochure from the Department of Health and Human Service and that the mother be given an informed consent form to sign.

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 6099, the so-called Unborn Child Pain Awareness Act. While this bill purports to represent the findings of the scientific community, it is merely sensationalistic junk science.

This bill would force doctors to violate their Hippocratic oath by mandating that they provide women with incorrect, unsupported information. It misleads women into believing that they need general anesthesia for an abortion. By glossing over the established risks of general anesthesia, this bill puts women's health at risk.

But don't take my word for it—look to the science. An August 2005, Journal of the American Medical Association study states "for pregnant women, general anesthesia is associated with increased morbidity and mortality, particularly because of airway-related complications and increased risk of hemorrhage from uterine atony."

The American College of Obstetricians and Gynecologists said it best in their statement

against this bill. "Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent."

As a scientist myself, I am embarrassed that this body would even consider something so egregiously devoid of fact and scientific proof—something that blatantly puts women's health at risk. But I'm not the only scientist opposed to this bill.

The American Academy of Physician Assistants, the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Society for Reproductive Medicine, the Association of Reproductive Health Professionals, the National Association of Nurse Practitioners in Women's Health—to name a few. All these groups oppose H.R. 6099. In total there are over 30 scientific, medical and advocacy organizations that are against this bill.

This bill is nothing but pure political pandering at the expense of science and women's health. Let's stop letting politics trump science. I urge a "no" vote on this bill.

Mrs. MALONEY. Mr. Speaker, last month, I attended the Supreme Court oral arguments on the so-called Partial Birth Abortion bill. You may recall that like the bill we have before us today, that bill included Congressional findings that found no basis in medical fact or science. The bill we are debating today is pseudoscience. The American College of Obstetricians and Gynecologists, in consultation with physicians who are experts in fetal anesthesia and fetal surgery, knows of no legitimate scientific data or information that supports the statement that a fetus experiences pain. Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent. This bill is a clear attempt by the current antichoice majority to once again chip away at a woman's right to choose.

H.R. 6099 does not inform women who are seeking abortions, it misinforms them. It forces doctors and nurses to distribute a brochure filled with biased language written by anti-choice politicians, most of whom have no medical experience. This bill has nothing to do with improving women's healthcare or increasing access to medical information. It is just one more attempt for politicians to impose themselves on the unique and important doctor-patient relationship, which should remain private.

Mr. Speaker, in these last days of the 109th Congress, the anti-choice majority is lobbying a parting shot at American women. We shouldn't be wasting our time on bills that impede access to healthcare and impose further burdens on women seeking abortions.

I urge my colleagues to vote against H.R. 6099, a bill where the science is unproven and the result is harmful.

Mr. SHAYS. Mr. Speaker, I rise in opposition to H.R. 6099 because I believe it is a woman's choice whether to terminate a pregnancy, and oppose legislation requiring health care practitioners to tell a patient information that may or may not be true.

I am concerned about the precedent we are setting by having the Federal government mandate by law the medical advice doctors offer their patients. It seems to me the last

thing physicians want or need is more federal intrusion into their practices.

I support a woman's right to choose whether to terminate a pregnancy subject to the restrictions of *Roe v. Wade*. Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. I would like to see abortion remain safe and legal, yet rare.

Mr. FORTENBERRY. Mr. Speaker, thank you for this opportunity to champion the principle of informed consent, which should concern each and every one of us here today. I also want to thank Mr. Smith yet again for his courageous and tireless dedication to the most vulnerable persons among us, the unborn. His leadership on human rights is a constant inspiration.

For over 30 years, our society has been torn apart by the issue of abortion. There may be very few of us who have not been affected by the emotional and physical pain of abortion, as experienced by millions of women, children, and families throughout the country.

Modern therapeutic and diagnostic technologies make it increasingly more difficult to deny the essential humanness of unborn children. These technologies and sound, scientific research have enabled us to conclude beyond a reasonable doubt that unborn children are able to experience excruciating pain from 20 weeks of gestation.

It is my hope that one day we will all choose to open our hearts and minds to the unborn and face the reality of abortion for what it is. Until that day, let us at the very least work to ensure that women are given the medical facts about fetal pain. Women deserve this respect.

Mr. STARK. Mr. Speaker, Republicans are apparently so concerned about the pain of unborn children that they are willing to promote junk science and have Congress dictate the contents of a brochure given to all women seeking to have an abortion. Where is the sense of urgency for children once they are actually born? What has this Congress done to address increasing rates of child poverty and hunger, decreasing access to health care, and the abysmal state of education and child care in this country?

Inevitably, my Republican colleagues say it's a "state issue" or that there's not enough evidence that federal action would work. I guess this bill proves that if the issue is important enough to the Christian Right, federalism and evidence get tossed aside. If only the needs of children or the demands of voters had similar power to break through right wing ideology. This is a fitting end to the Congress that found the time to meddle with Terri Schiavo and vote against the fabricated war on Christmas but couldn't make time to finish nine appropriations bills.

Mr. Speaker, the jig is up on this pathetic excuse for governing. Let's begin a new direction for America by voting against this divisive bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Unborn Child Pain Awareness Act, which purports to provide

women important information related to their health, but instead will substitute ideology for scientific evidence.

The House of Representatives is again legislating morals and is poking its nose where it doesn't belong.

This bill will require that family planning providers inform a patient seeking a legal abortion after 20 weeks that there is "substantial evidence" that a fetus may feel pain during an abortion procedure.

These women would be required to read and sign a form drafted by Congress, which states that "there is substantial evidence" that the abortion will cause pain to the fetus and they will be offered medications intended to reduce pain administered directly to the fetus.

There is an ongoing debate in the scientific community on this issue. Many scientists believe that there is too little information on the effectiveness of medications administered directly to a fetus.

In fact, a federal court found in 2004, "the issue of a fetus feeling pain is unsettled in the scientific community . . . there is no consensus of medical opinion on this issue," and "much of the debate is based upon speculation and inference."

Proponents of this bill are claiming compassion for the unborn and using biased "sci-

entific" information to prove their misguided ideology.

What would be compassionate is for this body to consider legislation such as the Prevention First Act, which would help to reduce the number of unintended pregnancies.

This is what we should be considering.

In reality, the goal of the Unborn Child Pain Awareness Act is not one based on compassion.

The goal is to undermine a woman's right to choose and to make what is a difficult decision for many women, increasingly more difficult.

I urge all my colleagues to vote against this measure.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 6099, the Unborn Child Pain Awareness Act. H.R. 6099 is another heavy-handed attempt by the majority to intrude into the doctor-patient relationship. This legislation would proscribe a consent form that states as medical fact unsubstantiated studies which have no consensus in the medical community.

This legislation is meant to further undermine the U.S. Supreme Court's Roe vs. Wade decision regarding a woman's right to privacy and her ability to make personal medical decisions. Once again, instead of allowing a controversial bill such as this one full and clear

debate, the House leadership is trying to sneak one by the American people on one of the last days of a lame-duck session in a desperate attempt to score political points with those factions who wish to deprive women of their rights. And by putting it on the Suspension Calendar, they have denied Members the opportunity to offer substantive amendments on these important issues.

I urge my colleagues to vote against this legislation so that we may consider it, as well as substantive amendments that could improve it, in the 110th Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6099.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.